

Don Johnson

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: AUGUST 4, 1993

TO: ALL TOWN/SCHOOL DEPARTMENTS

FROM: HIGHWAY DEPARTMENT

SUBJECT: SHUT DOWN GAS PUMPS/AUGUST 10, 1993

This is a notice to inform all departments that as of AUGUST 10, 1993, the gas and diesel pumps will be shut down for approximately six (6) weeks. This is due to the fact that we are removing the old tanks and installing new ones.

Everyone is to go to Bursaw for their gas and fuel and all gas/fuel slips will be left at Bursaw.

Thank you for your cooperation. We will notify all departments when the pumps are back in service.

528
RH:el

Selectmen

HISTORIC DISTRICT COMMISSION MINUTES July 26, 1993

Members present: Ann Forbes, Whit Mowry, Tom Peterman, Sandy Schmidt, Michaela Moren.

The meeting was called to order at 7:40 PM in Room 46. Minutes of 7/12/93 were approved as amended.

ANNOUNCEMENTS: Ann had a copy of letter sent by Jody McDonough of Mass. Historical Commission for praise on project done by Boston University students.

APPLICATIONS #9305 and #9307 Certificates were issued.

Mike Lynch sent Ann a note with a case he came across dealing with the **CONFLICT OF INTEREST** problem. She will put in file for everyone to read.

APPLICATION #9311 Robert Skillen, 562 Mass. Ave. Information submitted for sign. The sign will match existing sign for Railroad business. Ann will have him bring letters and demensions to next meeting. He will also be informed on abutters list. Whit made a motion that we find this within our jurisdiction and that **WINDSOR AVE. SHALL BE THE PUBLIC WAY. NO PUBLIC HEARING WILL BE NEEDED. THIS WAS VOTED UNANIMOUSLY.**

55 SCHOOL ST. Bob Ganong and Elizabeth Donegan wish to add shutters to their house. Ann will send them an application.

It should be noted that member have discussed frequency of meetings and a goal for next year would be to adjust **JULY AND AUGUST**, at least, to **ONLY ONE MEETING A MONTH**. It is very difficult to get a quorum during these months.

APPLICATION 9303-A Moodz - 556 Mass. Ave, signage violation. Karen LaRoche wasn't able to attend tonight, postponed until next meeting. Ann did bring everyone up to date on the following problems: the sign has more words than approved, post color not as presented, background was not as we understood. Ann has suggested Karen see about illuminating some words, smooth out background, and change post color. There is also a problem with light fixtures as they are new and would need to be approved. Michaela will check on a possible permit for electrical work concerning lights. Ann will send a letter to Karen in preparation for next meeting.

APPLICATION 9308 111 Main St. John Dunbar presented revisions made as a result of our last meeting, with specs on ridge vent, lights, and windows. New plans show window skirt which was added per our suggestion; detailed plans of this and new stairs shown on drawing. Cedar siding and wood trim the same; gable vent taken out; old door to stay. Sign to be placed in front of building, install strip ventilation along soffits and install ridge vent.

Discussion on new plans submitted as forllows: It was suggested balls on post for stairs be replaced with the pyrimid cut for a more utilitarian look. Ridge vent (ShingleventII), lighting from Malco Inc. #541 Some discussion on color of shingles above bay windows, but it was pointed out that, this was out of our jurisdiction.

QUESTION OF CERTIFICATE OF HARDSHIP

Ann checked with Gary Rhodes and no permit would have been required for windows. Application stated he wasn't told by owner or building inspector that permit was needed by Historical Commission, also Mr Hall stated he has not been able to move into building because work was stopped. Mr. Hall also presented his financial hardship with cost of windows and rent he's paying for not using building. While it is an improvement in the area, the windows would not have been approved had he come to us before installing. Michaela pointed out, there is no other 1960's commercial building in the district.

It was proposed that a **CERTIFICATE OF HARDSHIP** be granted Mr Hall, 111 Main St.; Application #9308 for the following reasons:

A. The Commission finds that the existing structure, as a small 1960's wood frame Commercial addition is unique in the South Acton District and non-contributing to Historic character of District.

B Although replacement window improvements are not themselves appropriate the sum of the overall changes do not present a substantial degrogation from the intent and purpose of the by-law.

Motion was unanimously approved.

While we are allowing this to happen this time it is a unique set of circumstances.

Vote to accept revised APPLICATION #9308 DATED 7/12/93 stamped by Town Clerk on 7/16/93 with scale drawings dated 7/19/93 to retain present door, delite sign; clapboards to be painted; change of post to stair plan to illiminate ball finials and change to four-sided pyrimid; specs on ridge vent and soffit vents as propsed; and lights according to manufacturers specs; landscaping and paving, and roof color are not in our jurisdiction. **VOTED TO APPROVE UNANIMOUSLY.**

*For Sandra Schmidt.
(wwm)*

cc: BOS

DAC } please
T.T. } investigate
DH } 8/6/93

Patricia F. Sawyer
127 Concord Rd.
Acton, MA. 01720

August 5, 1993

The Town Manager
Board of Selectman
Board of Health
Conservation Commission

Please accept this letter as a formal complaint and a request
for investigation and action.

On July 12, 1993, Ice House Pond started releasing the noxious
gases that were present in our correspondence in 1990.

I have had to shut my house up so there is no air quality. The
gases are coating the back of my home with the same black coating
that was present in my 1990's photo's of the house. If this sub
stance is on my home, than it is in my body.

is situation is creating dangerous health problems, intolerable
iving conditions and obviously property value impact.

Please advise your course of action.

Sincerely,

Patricia F. Sawyer

Patricia F. Sawyer

Copy: Attorney C. Kadison

cc: BOS
Report in RF



Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

August 2, 1993

Dear Chief Elected Official:

Attached is a copy of the Draft Transportation Plan for the Boston Region. This document was released for comment today at the first of five public meetings aimed at explaining the plan and soliciting comments. The draft plan when finalized will guide transportation investments in the metropolitan Boston region for the next twenty-five years.

This document is available to communities and the general public for comment until September 3, 1993. Please forward your comments to me at MAPC.

I would also like to encourage you to inform your MAPC representative about your feelings on the draft plan so that he/she can reflect them at a Council Meeting.

By the time you receive this document, two public meetings will remain these are:

Monday August 9, 1993 at 7:30 pm in Peabody City Hall, 24 Lowell Street; and
Tuesday August 10, 1993 at 7:30 pm in Natick Town Hall, 13 Central Street.

I look forward to your thoughts on the Draft Regional Transportation Plan for the Boston Region.

Sincerely,

David C. Soule
Executive Director

cc: MAPC Representative

Donald P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

PRINTED ON RECYCLED PAPER

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Library
Junior High School

July 15, 1993

Members Present: Pam Harting-Barrat, Steve Aronson, Jean Butler, Linda Kroll, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Fran Leiboff, Steve Desy, Steve Donovan, George Frost, citizens and press.

The meeting was called to order at 7:04 p.m. by Pam Harting-Barrat, Chairperson

The minutes of June 3 and 10, 1993 were approved as written.

Warrant #93-050 in the amount of \$44,579.26, Warrant #93-051 in the amount of \$8,379.34, Warrant #93-054 in the amount of \$143,397.01, Warrant #93-055 in the amount of \$1,861.50, Warrant #94-001 in the amount of \$147,408.88 and payroll warrants totaling \$203,584.43 were signed by the Chairperson and circulated to other members of the Committee. Warrant #93-049 in the amount of \$319,341.29, Warrant #93-053 in the amount of \$160,636.28 and payroll warrants totaling \$1,148,303.44 were signed by Committee members on June 30, 1993.

PUBLIC PARTICIPATION:

John Benson, an Acton resident with children at Gates School, and whose wife is a department head at the High School, welcomed Dr. Zimmerman. He commented to her that the town had soured on overrides and he doubted that one could be passed next year. The message he took from the defeated overrides is that the town and schools must clean up their houses. He spoke previously at town meeting about the need for real and deep central office administrative cuts. The School Committee has been unwilling to address this issue and has put it on her plate. Mr. Benson said the classroom teacher was the essence of education, and that was where the bulk of funds should go. If some central office jobs were eliminated or consolidated, \$200,000 could be realized which would be 42% of the funds requested for the schools in the second override. This figure would allow the hiring of five elementary teachers. He said, if the Superintendent spoke with the faculties, she would be aware of the bitterness towards the central office. Mr. Benson's second issue was the renewal of central office administrative contracts. He said that many administrators have two or three -year revolving contracts which he believes under the rank of superintendent is an unusual arrangement. There is nothing in the

contracts which would allow for termination in the face of severe financial restraints. This is a morale problem for staff.

Pam Harting-Barrat said that Dr. Zimmerman has only been on board for a short period and will need time to take an overall look at the system. Dr. Zimmerman said she appreciated Mr. Benson's perspective, however, some of his perceptions were not accurate, for example the comparable size of Easton and Acton school districts. She added that she was quite aware of the issue and had discussed it with the AEA. Dr. Zimmerman said it would be foolhardy to make changes on how we deliver services to the students based on first impressions and without the chance to make assessments. She will look at the services the central office provides in addition to other parts of the system. One problem is that there are two school districts with lots of parallel functions. She sees this as an opportunity to look at ourselves and different ways of delivering what we do so well. Out of that will come a long range plan and this will be a piece of it. John Benson reiterated that the immediate issue was the renewal of contracts.

The Committee thanked Evelyn Smith, Secretary, and presented her with a plant, this being her last School Committee meeting.

OLD BUSINESS :

Dr. Zimmerman said, as a result of a discussion with Steve Donovan and Cliff Card, the admittance of additional school choice students with the attendant funding and PPEA funds at \$50 per student, would allow for reinstatement of some positions. She asked the Committee for permission to bring in, if possible, additional school choice students (4-5 at Junior High) (5-10 in grades 10 & 11 only at High School) and to allow some flexibility in how these funds would be allocated. She will return to the Committee with recommendations when the exact amount of PPEA funding is known.

It was moved, seconded and unanimously

VOTED: To approve the FY'94 School Choice Budget totaling \$640,860, to re-open the school choice option for a limited number of students, and any money from such additional students be applied, at the administration's discretion, to items determined to be critical to the needs of the system.

Steve Aronson asked if Latin would be restored. Steve Donovan answered affirmatively saying that there were currently 23 students enrolled in Latin I.

VOTED: To approve the release of executive session minutes for inclusion in the public minutes as follows: 7/13/89, 8/3/89, 11/2/89, 2/15/90, 3/1/90, 3/29/90, 5/3/90, 7/26/90, 10/25/90, 2/28/91, 3/7/91, 3/14/91, 3/28/91, 5/2/91, 5/30/91, 8/8/91, 2/6/92.

VOTED: To accept a check for \$10,000 from Jack Finley, with many thanks, to be used solely for construction costs of a new concession stand at the High School football field.

NEW BUSINESS:

VOTED: To approve the bids for athletic supplies and equipment totaling \$22,326.30 as indicated in Enc. V. 1.

VOTED: To award the bids for food and related products as follows:

1. Paper products: Dowd Paper Co.
2. Pizza: Crispy Pizza
3. Vending juices: Coca-Cola
4. Desserts: Drake Bakeries, Inc.
5. Ice Cream: International Ice Cream Corp.
6. Chips and snacks: ~~Costa Fruit & Produce Co.~~

VOTED: To award the bid for installation of the new telephone system to Telspan International, L.T.D. of South Windsor, CT. for the total basic proposal price of \$46,900.

Pat Corbett, from Computer Telephone Corporation, who along with Barbara Wheeler, analyzed the old system, was present and answered questions regarding the music option, length of pay back, whether the new technology can handle digital messages, and whether the system has capabilities of handling modems and quality of lines.

VOTED: To authorize the Treasurer to borrow in anticipation of revenue for the fiscal year beginning July 1, 1993 in accordance with the provisions of General Laws, Chapter 71, Section 16 (G), and to renew any note or notes with the provisions of General Laws, Chapter 71, Section 16 (G).

VOTED: To appropriate \$.88 for banking services with Boston Safe Deposit and Trust Company for the 1993-1994 fiscal year.

Steve Aronson asked if would be possible, without adding to staff, to keep track of the number of times we have had to borrow, the amounts and cost to us.

VOTED: To approve the changes to the High School Student Handbook.

George Frost and Steve Donovan were present to answer any questions the Committee might have. Revisions were made by a committee made up of staff, community members and students. Graduation requirements were rewritten to include the new Health Education standards. Mary Anne Vogel questioned the time students were allotted for making up work missed. George said that most teachers

try to accommodate students based on circumstances. Pam Harting-Barrat questioned the lack of consistency in enforcing the tardy policy. George agreed that does exist and they hope to begin to address the issue this coming year. Lees asked for some consistency in the use of Ms. or Mrs. for Committee members. In response to Jean Butler's question regarding senior privileges, Steve Donovan said he will present that issue next meeting. Steve Aronson and Micki Williams both complimented the High School administrators on the process.

There was discussion regarding the revision of the School Committee Policy "Acceptance of Gifts to the School District" which proposed raising the level at which a gift has to be approved by the Committee from \$100 to \$1,000. Jean Butler was concerned there would be no public acknowledgment of gifts under \$1,000. Linda Kroll asked if a running total of gifts could be kept, sub-divided into areas, which would always be available to the public. She believes the public's perception is that the Committee does not make a record of gifts accessible to the public. Don Wheeler said most gifts are very specific as to amount and use. The Committee only accepts or rejects. Bill Ryan said that Jim Chace has a database listing all gifts of computer equipment, separate accounts are set up for each gift of money and budgetary printouts are available. Don Wheeler said that everything the Committee does is above board and the public could alter their perceptions by attendance at meetings.

As this was a first reading, some of the issues raised in discussion will be addressed before bringing the proposal back for a second and final reading.

FOR YOUR INFORMATION

- Dr. Zimmerman expressed appreciation of Steve Donovan's Monday Memos to his staff.
- Dick Dow, Industrial Arts teacher at the High School, has accepted an externship for the 1993-94 school year at MIT - Lincoln Labs.
- The new Speech & Language Department's brochure was prepared with technical assistance from Nadine Yates.
- Dr. Zimmerman referred to the Speech & Language Department's continuing accreditation from the American Speech-Language-Hearing Association and Lorraine Blacker's selection as a participant in the PALMS Summer Institute.

Steve Aronson objected to the letter from Senator Durand and wondered if, by virtue of our silence, legislators think we concur with what they write. Steve's real concern was that school districts like ours get lumped into educational reform needs, and we don't necessarily agree with all that has been done.

Dr. Zimmerman suggested it would be useful for the School Committee and administration to engage in discussions about some of the issues facing the Committee next year, also process changes with the advent of a new superintendent. It was agreed to hold a workshop on August 25 starting at 2:00 p.m. It was also suggested that the volunteer services of an outside facilitator be obtained.

Dr. Zimmerman also suggested that the School Committees participate in some activities to reunify the municipal boards and the schools and develop a vision as to what kind of schools the communities want to have. Goals and strategies would be developed and again, a volunteer professional facilitator from Acton or Boxborough would be sought. Steve Aronson urged the Committee to be mindful about bringing all the right groups into play, i.e., School Committees, Finance Committees and Selectmen from both towns. There was a discussion as to whether the first meeting should be with a smaller number of participants and whether the visioning process and a social event should be separate occasions. Steve Aronson said that Boxborough should be incorporated into our process as they have good reason to be unhappy about our actions. It was agreed to invite members of both Acton and Boxborough's town government to Lees Stuntz's home on Sunday, September 12.

Dr. Zimmerman informed the Committee that ABSAF had moved to donate \$100,000 for the 1993-94 school year which is \$30,000 more than ever given before. The consensus of the ABSAF Board was that an activity fee be structured as a systemwide fee and not be targeted to a specific activity. Mike Guzzo, member of the ABSAF Board said that two of the major concerns of ABSAF are the conflict with booster groups in raising funds and the effect of user fees on fund-raising. Steve Aronson said that the one-year moratorium on new sports, set by Dr. Zimmerman, will be beneficial.

WARRANT DISCUSSION: There were no questions.

CONCERNS OF THE COMMITTEE:

Mary Anne Vogel referred to the Superintendent's memo regarding additional PPA funds which only mentioned support for the elementary curriculum. Dr. Zimmerman said that funds would be available for support of professional development for both systems.

Linda Kroll was contacted by a parent who asked if there was a policy which stated that students selected for a sports team and who attended all practices must be given the chance to play. Steve Donovan said there was no policy. Don Wheeler suggested this concern be referred back to the Athletic Department. Mac Reid said this would become a more prominent issue when parents are asked to pay user fees.

NEXT MEETING - Tuesday, August 3, 1993 immediately following the adjournment of the Local Meeting.

EXECUTIVE SESSION - At 9:55 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the state purpose.

The Committee returned to open session at 11:02 p.m. and adjourned.

Respectfully submitted,

Evelyn I. Smith, Secretary

ACTON SCHOOL COMMITTEE

MINUTES

Library
Junior High School

July 15, 1993

Members Present: Lees Stuntz, Steve Aronson, Pam Harting-Barrat, Jean Butler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Fran Leiboff, Steve Desy, citizens and press

The meeting was called to order at 11:07 p.m. by Lees Stuntz, Chairperson.

Warrant #93-023 in the amount of \$48,074.14 and Warrant #92-116 in the amount of \$805.10 were signed by the Chairperson and circulated to other members of the Committee. Warrant #93-022 in the amount of \$55,462.06 was signed by Committee members on June 29, 1993.

PUBLIC PARTICIPATION: None.

OLD BUSINESS:

It was moved, seconded and unanimously

VOTED: To award the bids for Food and Related Products to:
Paper products - Dowd Paper Co.; Pizza - Original Crispy Pizza;
Vending Juices - Coca Cola; Desserts - Drake Bakeries, Inc.; Ice Cream - International Ice Cream Corp.; Chips and Snacks - Costa Fruit & Produce Co. as previously voted by the Regional Committee.

VOTED: To award the bid for providing telecommunications services to Telspan International, Ltd. of So. Windsor, CT for the basic proposal price of \$46,900. as previously voted by the Regional Committee.

VOTED: To approve the release of Executive Session minutes for inclusion in the public minutes as follows: May 11, 1989, Sept. 14, 1989, Oct. 12, 1989, Nov. 9, 1989, Dec. 14, 1989, Jan. 25, 1990, July 26, 1990, Jan. 10, 1991, Feb. 14, 1991, May 9, 1991, ~~Sept. 12, 1991.~~

VOTED: To approve the FY'94 School Choice Budget in the amount of \$184,042 to be allotted at the administration's discretion for items determined to be critical to the needs of the system.

NEW BUSINESS:

VOTED: To approve a research and development proposal for Charlene Spaulding to familiarize herself with the curriculum goals for teaching grade 1 including initial planning and selection of materials. The proposal is funded in the amount of \$1,020.

It was moved, seconded and

VOTED: To accept donations from the McCarthy-Towne parent community and friends in an amount sufficient to meet the salary and benefits of a sixth grade teacher for the 1993-94 school year with the stipulation that such action is for one year only without prejudice for the future and that the funding is in place before a teacher is hired.

The motion was approved by a vote of 4 to 1, Steve Aronson dissenting.

There was a concern that acceptance of such gifts would create a potential for inequity across the system. Micki Williams said that although her original intention was to allow schools to have a real hand in providing solutions to prevent forced transfer of students, it was too broad a motion. She did not intend parents funding teachers - that was the community's duty, however, she felt that at this point it would be inappropriate to back away. Steve Aronson said he appreciated Micki's statement, that it was difficult to understand the impact of a decision made with the best of intentions. He said there was a need to get the message of our concern to the schools so that this will not occur again.

VOTED: To accept the sum of \$20,000 from the Gates School P.T.O. for the purpose of paying the salaries of instructional aides in the multi-grade classrooms and professional development salaries for staff and consultants for the 1993-94 school year with the stipulation that such action is for one year only without prejudice for the future and, specifically, any unspent money will be returned to the Gates School P.T.O.

The motion was approved by a vote of 4-1, Steve Aronson dissenting.

Lees Stuntz commended the school communities for pulling together and trying to come up with solutions for the coming school year.

As discussed at the Regional meeting, adjustments to the proposal for revision of "Acceptance of Gifts to the School Districts" policy will be made and brought back for a second reading at a future meeting.

FOR YOUR INFORMATION: There were no comments on the information provided in the packets.

WARRANT DISCUSSION: There were no questions.

CONCERNS OF THE COMMITTEE:

Steve Aronson wondered how best serve those present for the Local meeting which starts so late when there are two meetings on the same evening. It was agreed to start with the Local meeting on August 3.

Jean Butler asked if the starting times for the elementary schools has been determined. Dr. Zimmerman said that Douglas and Gates would be on the early schedule (8:35 a.m.) and Conant, Merriam and McCarthy-Towne would start at 9:15 a.m.

NEXT MEETING: Tuesday, August 3, 1993 starting at 7:00 p.m.

Two changes were made in the 1993-94 School Committee schedules - The Local meeting which would ordinarily be held on Oct. 14, will be held on October 13 and the November 11 meeting will be held on November 18.

EXECUTIVE SESSION

At 11:55 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining issues under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 12:04 a.m.

It was moved, seconded and

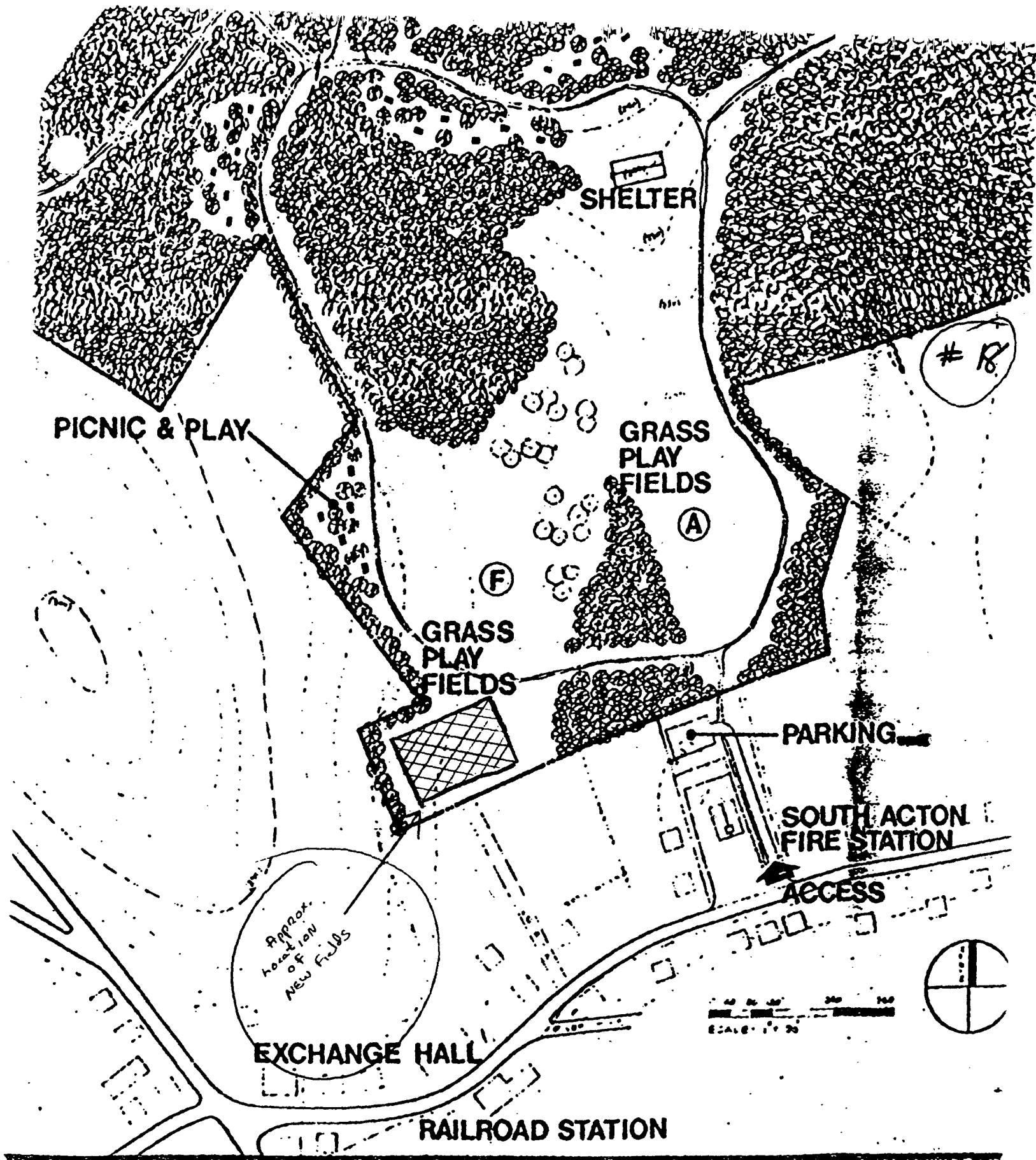
VOTED: To approve an early retirement agreement with Ann Jacobs, teacher of grade 3 at Conant School, contingent on Ms. Jacobs signing on.

The motion was approved by a vote of 4 to 1, Steve Aronson dissenting.

The meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Evelyn I. Smith
Secretary pro tempore.



20

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: August 9, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry Rhodes, Building Commissioner *GAR*
SUBJECT: Site Plan amendment #1/16/73-57 10 Spruce
additional comments

I am concerned that the submission does not include an elevation plan. Therefore, I included a condition that the addition can not exceed the height of the existing building. This will hopefully prevent a "Meineke" recurrence.

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Amendment of the Decision of the Board of Selectmen on the Petition of Nick Bottos for the property located at 10 Spruce Street. Said property is shown on Acton Town Atlas map F2A, parcel 92.

This Decision is in response to an application submitted to the Board on July 12, 1993 to amend the existing Site Plan Special Permit.

The Board exercises its powers to amend this permit without a new public hearing in that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and the terms of the permit.

Submitted for the Boards' deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

Letter to the Board of Selectmen dated July 12, 1993 from Acton Survey and Engineering.

Exhibit II

A plot plan of land in Acton, Massachusetts prepared for Nick Bottos dated July 12, 1993.

Exhibit III

IDC from the Building Commissioner to the Town Manager.

Based upon its review of the exhibits and the record of the proceedings, the Board found and concludes that:

1. The Site Plan Special Permit #1/16/73-57 remains in full force and effect with this Amendment affecting only those issues that are hereinafter listed.
2. The Decision is herein modified to allow the proposed weather enclosure of 442 square feet.
3. The access driveway shall be repaved so as to prevent surface water from leaving the site and entering Spruce Street. The work is to be overseen by Acton Survey & Engineering. If the proposed repaving does not prevent the runoff from entering Spruce Street the Board reserves the right to order the installation of slotted drains one year after the repaving of the entrance.
4. The addition shall not exceed the height of the existing building.

Amendment
Site Plan Special Permit #1/16/73-57
Car Wash
10 Spruce Street

Page 2 of 2

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The Board of Selectmen voted to GRANT the requested Site Plan Special Permit Amendment.

Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of 1993.

F. Dore' Hunter, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

Christine Joyce
Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of the Car Wash has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering

Amendment
Site Plan Special Permit #1/16/73-57
Car Wash
10 Spruce Street

Page 3 of 2

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Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stow, Sudbury



INTERDEPARTMENTAL COMMUNICATION

Extra
Consent
8/10/93

DATE: 8/9/93

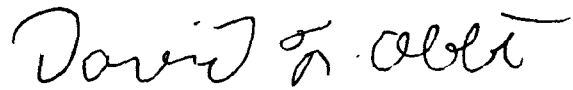
TO: Board of Selectmen

FROM: Engineering

SUBJECT: Emergency Electrical Hook-up - 456 MASSACHUSETTS AVE

We have received a request for Emergency Electrical Hook-up prior to the public hearing. The location is a new home which is nearly completed and ready for closing and occupancy.

We have no objections to allowing this request.


David Abbt
Engineering Admin.

BOSTON EDISON COMPANY
15 Blandin Avenue
Framingham, Massachusetts 01701

AUG 6 1993

August 2, 1993

FILE COPY

Board of Selectmen
Town Hall
Acton, MA 01701

RE: Massachusetts Avenue
Acton, MA
W.O.#661587

Dear Members of the Board:

The enclosed petition and plan is being presented by the Boston Edison Company for the purpose of obtaining a Grant of Location for approximately twenty (25) feet of conduit at the above location.

The conduit has been installed by the customer Higgins & Welch in order to provide electric service to #456 Massachusetts Avenue, Acton.

Your prompt attention to this matter would be greatly appreciated.

Very truly yours,


Denis J. Deagle, Supervisor
Rights, Permits & Survey

DJD/dm

Enclosure

PETITION OF BOSTON EDISON COMPANY FOR LOCATION FOR CONDUITS
AND MANHOLES

To the BOARD OF SELECTMEN of the Town of Acton Massachusetts:

Respectfully represents BOSTON EDISON COMPANY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by R. A. Ruscitto dated August 2, 1993, and filed herewith, under the following public way or ways of said Town:

Massachusetts Avenue - southeasterly approximately 367 feet east of Prospect Street,
a distance of about 25 feet - conduit
(Hearing Required)

BOSTON EDISON COMPANY

By

Denis J. Deagle
Denis J. Deagle, Supervisor
Rights, Permits & Survey

Dated this 2nd day of August 1993

Town of Acton Massachusetts.

Received and filed 19

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

*Extra
8/10*

TO: John Murray
FROM: Lt. McNiff
SUBJ: Hate Crime

DATE: August 10, 1993

CONFIDENTIAL

John,

Just to keep you informed, there was an incident last evening involving a hate crime at the Brook St. Apartments. A Korean male resident has been the brunt of taunting and racial slurs from some of the neighborhood kids for some time. Last night, as this man was walking across the parking lot, two boys were making fun of him in the way he walked and talked. Apparently he had enough and struck one of the boys on the head. The victim, at 12 year old, claimed that the man struck him with his fist, which at the time was tightly wrapped around a key chain and a half a dozen keys. The adult claimed that he threw the keys at the boy hitting him on the head. At any rate, the kid had a good sized welt on his head and the man was arrested for assault & battery with a dangerous weapon. He was arraigned in court this morning and will be given a trial date at some time later on.

In addition to the usual criminal investigation, the Human Rights Officer has been assigned to the case and will pursue the matter also.

Doc

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

Extra
8/10

TO: Mr. John Murray ATM
FROM: Det. Todd D. Fenniman
SUBJ: Hate Crime Incident #I9309500

DATE: August 10, 1993

CONFIDENTIAL

After reviewing Sgt. Rogers' report on this incident, I contacted Assistant District Attorney Jerry Leone of the Civil Rights Unit of the Middlesex County District Attorney's Office. I apprised ADA Leone of all the pertinent facts in this case and the resulting arrest information. ADA Leone reviewed the circumstances and concluded that the incident did not fall under a criminal civil rights statute where there was no threat of violence or imminent harm to Mr. Seo.

In consultation with ADA Leone the decision was made to pursue this matter by speaking with both juveniles and their parents and advising the juveniles to cease making such verbal comments to Mr. Seo or any other minority group. ADA Leone also wanted the juveniles advised that while their actions were wrong in some respect that they in no way justified being assaulted in such a manner by Mr. Seo.

Mr. Seo may use the verbal taunting as a defense in his criminal matter at trial. To what success he will achieve with this defense, ADA Leone could not surmise.

In order to constitute a criminal civil rights violation against the two juveniles, the Commonwealth would have had to establish:

1. That a person(the perpetrator) by force or threat of force,
2. Willfully,
3. Injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, or oppresses or threatens,
4. Any person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the United States or the Commonwealth.
5. For a felony, bodily injury results. (M.G.L. 265 s. 37)

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

With no force or threat of force, there is no criminal violation. Whereas the resulting consequences of racially motivated taunts was an assault, the information was recorded onto a Massachusetts Hate Crime Reporting form and will be forwarded to the Crime Reporting Unit/Criminal information Section of the Massachusetts State Police.

As of the writing of this memo, I have been unable to make contact with the two juveniles and their parents. I left messages on the answering machine of one home and there is no answer at the other. Contact will also be made with Mr. Seo at the appropriate time.

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Library
Junior High School

July 15, 1993

Members Present: Pam Harting-Barrat, Steve Aronson, Jean Butler, Linda Kroll, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Fran Leiboff, Steve Desy, Steve Donovan, George Frost, citizens and press.

The meeting was called to order at 7:04 p.m. by Pam Harting-Barrat, Chairperson

The minutes of June 3 and 10, 1993 were approved as written.

Warrant #93-050 in the amount of \$44,579.26, Warrant #93-051 in the amount of \$8,379.34, Warrant #93-054 in the amount of \$143,397.01, Warrant #93-055 in the amount of \$1,861.50, Warrant #94-001 in the amount of \$147,408.88 and payroll warrants totaling \$203,584.43 were signed by the Chairperson and circulated to other members of the Committee. Warrant #93-049 in the amount of \$319,341.29, Warrant #93-053 in the amount of \$160,636.28 and payroll warrants totaling \$1,148,303.44 were signed by Committee members on June 30, 1993.

PUBLIC PARTICIPATION:

John Benson, an Acton resident with children at Gates School, and whose wife is a department head at the High School, welcomed Dr. Zimmerman. He commented to her that the town had soured on overrides and he doubted that one could be passed next year. The message he took from the defeated overrides is that the town and schools must clean up their houses. He spoke previously at town meeting about the need for real and deep central office administrative cuts. The School Committee has been unwilling to address this issue and has put it on her plate. Mr. Benson said the classroom teacher was the essence of education, and that was where the bulk of funds should go. If some central office jobs were eliminated or consolidated, \$200,000 could be realized which would be 42% of the funds requested for the schools in the second override. This figure would allow the hiring of five elementary teachers. He said, if the Superintendent spoke with the faculties, she would be aware of the bitterness towards the central office. Mr. Benson's second issue was the renewal of central office administrative contracts. He said that many administrators have two or three -year revolving contracts which he believes under the rank of superintendent is an unusual arrangement. There is nothing in the

contracts which would allow for termination in the face of severe financial restraints. This is a morale problem for staff.

Pam Harting-Barrat said that Dr. Zimmerman has only been on board for a short period and will need time to take an overall look at the system. Dr. Zimmerman said she appreciated Mr. Benson's perspective, however, some of his perceptions were not accurate, for example the comparable size of Easton and Acton school districts. She added that she was quite aware of the issue and had discussed it with the AEA. Dr. Zimmerman said it would be foolhardy to make changes on how we deliver services to the students based on first impressions and without the chance to make assessments. She will look at the services the central office provides in addition to other parts of the system. One problem is that there are two school districts with lots of parallel functions. She sees this as an opportunity to look at ourselves and different ways of delivering what we do so well. Out of that will come a long range plan and this will be a piece of it. John Benson reiterated that the immediate issue was the renewal of contracts.

The Committee thanked Evelyn Smith, Secretary, and presented her with a plant, this being her last School Committee meeting.

OLD BUSINESS :

Dr. Zimmerman said, as a result of a discussion with Steve Donovan and Cliff Card, the admittance of additional school choice students with the attendant funding and PPEA funds at \$50 per student, would allow for reinstatement of some positions. She asked the Committee for permission to bring in, if possible, additional school choice students (4-5 at Junior High) (5-10 in grades 10 & 11 only at High School) and to allow some flexibility in how these funds would be allocated. She will return to the Committee with recommendations when the exact amount of PPEA funding is known.

It was moved, seconded and unanimously

VOTED: To approve the FY'94 School Choice Budget totaling \$640,860, to re-open the school choice option for a limited number of students, and any money from such additional students be applied, at the administration's discretion, to items determined to be critical to the needs of the system.

Steve Aronson asked if Latin would be restored. Steve Donovan answered affirmatively saying that there were currently 23 students enrolled in Latin I.

VOTED: To approve the release of executive session minutes for inclusion in the public minutes as follows: 7/13/89, 8/3/89, 11/2/89, 2/15/90, 3/1/90, 3/29/90, 5/3/90, 7/26/90, 10/25/90, 2/28/91, 3/7/91, 3/14/91, 3/28/91, 5/2/91, 5/30/91, 8/8/91, 2/6/92.

VOTED: To accept a check for \$10,000 from Jack Finley, with many thanks, to be used solely for construction costs of a new concession stand at the High School football field.

NEW BUSINESS:

VOTED: To approve the bids for athletic supplies and equipment totaling \$22,326.30 as indicated in Enc. V. 1.

VOTED: To award the bids for food and related products as follows:

1. Paper products: Dowd Paper Co.
2. Pizza: Crispy Pizza
3. Vending juices: Coca-Cola
4. Desserts: Drake Bakeries, Inc.
5. Ice Cream: International Ice Cream Corp.
6. Chips and snacks: Costa Fruit & Produce Co.

VOTED: To award the bid for installation of the new telephone system to Telspan International, L.T.D. of South Windsor, CT. for the total basic proposal price of \$46,900.

Pat Corbett, from Computer Telephone Corporation, who along with Barbara Wheeler, analyzed the old system, was present and answered questions regarding the music option, length of pay back, whether the new technology can handle digital messages, and whether the system has capabilities of handling modems and quality of lines.

VOTED: To authorize the Treasurer to borrow in anticipation of revenue for the fiscal year beginning July 1, 1993 in accordance with the provisions of General Laws, Chapter 71, Section 16 (G), and to renew any note or notes with the provisions of General Laws, Chapter 71, Section 16 (G).

VOTED: To appropriate \$.88 for banking services with Boston Safe Deposit and Trust Company for the 1993-1994 fiscal year.

Steve Aronson asked if would be possible, without adding to staff, to keep track of the number of times we have had to borrow, the amounts and cost to us.

VOTED: To approve the changes to the High School Student Handbook.

George Frost and Steve Donovan were present to answer any questions the Committee might have. Revisions were made by a committee made up of staff, community members and students. Graduation requirements were rewritten to include the new Health Education standards. Mary Anne Vogel questioned the time students were allotted for making up work missed. George said that most teachers

try to accommodate students based on circumstances. Pam Harting-Barrat questioned the lack of consistency in enforcing the tardy policy. George agreed that does exist and they hope to begin to address the issue this coming year. Lees asked for some consistency in the use of Ms. or Mrs. for Committee members. In response to Jean Butler's question regarding senior privileges, Steve Donovan said he will present that issue next meeting. Steve Aronson and Micki Williams both complimented the High School administrators on the process.

There was discussion regarding the revision of the School Committee Policy "Acceptance of Gifts to the School District" which proposed raising the level at which a gift has to be approved by the Committee from \$100 to \$1,000. Jean Butler was concerned there would be no public acknowledgment of gifts under \$1,000. Linda Kroll asked if a running total of gifts could be kept, sub-divided into areas, which would always be available to the public. She believes the public's perception is that the Committee does not make a record of gifts accessible to the public. Don Wheeler said most gifts are very specific as to amount and use. The Committee only accepts or rejects. Bill Ryan said that Jim Chace has a database listing all gifts of computer equipment, separate accounts are set up for each gift of money and budgetary printouts are available. Don Wheeler said that everything the Committee does is above board and the public could alter their perceptions by attendance at meetings.

As this was a first reading, some of the issues raised in discussion will be addressed before bringing the proposal back for a second and final reading.

FOR YOUR INFORMATION

- Dr. Zimmerman expressed appreciation of Steve Donovan's Monday Memos to his staff.
- Dick Dow, Industrial Arts teacher at the High School, has accepted an externship for the 1993-94 school year at MIT - Lincoln Labs.
- The new Speech & Language Department's brochure was prepared with technical assistance from Nadine Yates.
- Dr. Zimmerman referred to the Speech & Language Department's continuing accreditation from the American Speech-Language-Hearing Association and Lorraine Blacker's selection as a participant in the PALMS Summer Institute.

Steve Aronson objected to the letter from Senator Durand and wondered if, by virtue of our silence, legislators think we concur with what they write. Steve's real concern was that school districts like ours get lumped into educational reform needs, and we don't necessarily agree with all that has been done.

Dr. Zimmerman suggested it would be useful for the School Committee and administration to engage in discussions about some of the issues facing the Committee next year, also process changes with the advent of a new superintendent. It was agreed to hold a workshop on August 25 starting at 2:00 p.m. It was also suggested that the volunteer services of an outside facilitator be obtained.

Dr. Zimmerman also suggested that the School Committees participate in some activities to reunify the municipal boards and the schools and develop a vision as to what kind of schools the communities want to have. Goals and strategies would be developed and again, a volunteer professional facilitator from Acton or Boxborough would be sought. Steve Aronson urged the Committee to be mindful about bringing all the right groups into play, i.e., School Committees, Finance Committees and Selectmen from both towns. There was a discussion as to whether the first meeting should be with a smaller number of participants and whether the visioning process and a social event should be separate occasions. Steve Aronson said that Boxborough should be incorporated into our process as they have good reason to be unhappy about our actions. It was agreed to invite members of both Acton and Boxborough's town government to Lees Stuntz's home on Sunday, September 12.

Dr. Zimmerman informed the Committee that ABSAF had moved to donate \$100,000 for the 1993-94 school year which is \$30,000 more than ever given before. The consensus of the ABSAF Board was that an activity fee be structured as a systemwide fee and not be targeted to a specific activity. Mike Guzzo, member of the ABSAF Board said that two of the major concerns of ABSAF are the conflict with booster groups in raising funds and the effect of user fees on fund-raising. Steve Aronson said that the one-year moratorium on new sports, set by Dr. Zimmerman, will be beneficial.

WARRANT DISCUSSION: There were no questions.

CONCERNS OF THE COMMITTEE:

Mary Anne Vogel referred to the Superintendent's memo regarding additional PPA funds which only mentioned support for the elementary curriculum. Dr. Zimmerman said that funds would be available for support of professional development for both systems.

Linda Kroll was contacted by a parent who asked if there was a policy which stated that students selected for a sports team and who attended all practices must be given the chance to play. Steve Donovan said there was no policy. Don Wheeler suggested this concern be referred back to the Athletic Department. Mac Reid said this would become a more prominent issue when parents are asked to pay user fees.

NEXT MEETING - Tuesday, August 3, 1993 immediately following the adjournment of the Local Meeting.

EXECUTIVE SESSION - At 9:55 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the state purpose.

The Committee returned to open session at 11:02 p.m. and adjourned.

Respectfully submitted,

Evelyn I. Smith, Secretary

ACTON SCHOOL COMMITTEE

MINUTES

Library
Junior High School

July 15, 1993

Members Present: Lees Stuntz, Steve Aronson, Pam Harting-Barrat, Jean Butler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Fran Leiboff, Steve Desy, citizens and press

The meeting was called to order at 11:07 p.m. by Lees Stuntz, Chairperson.

Warrant #93-023 in the amount of \$48,074.14 and Warrant #92-116 in the amount of \$805.10 were signed by the Chairperson and circulated to other members of the Committee. Warrant #93-022 in the amount of \$55,462.06 was signed by Committee members on June 29, 1993.

PUBLIC PARTICIPATION: None.

OLD BUSINESS:

It was moved, seconded and unanimously

VOTED: To award the bids for Food and Related Products to:
Paper products - Dowd Paper Co.; Pizza - Original Crispy Pizza;
Vending Juices - Coca Cola; Desserts - Drake Bakeries, Inc.; Ice Cream - International Ice Cream Corp.; Chips and Snacks - Costa Fruit & Produce Co. as previously voted by the Regional Committee.

VOTED: To award the bid for providing telecommunications services to Telspan International, Ltd. of So. Windsor, CT for the basic proposal price of \$46,900. as previously voted by the Regional Committee.

VOTED: To approve the release of Executive Session minutes for inclusion in the public minutes as follows: May 11, 1989, Sept. 14, 1989, Oct. 12, 1989, Nov. 9, 1989, Dec. 14, 1989, Jan. 25, 1990, July 26, 1990, Jan. 10, 1991, Feb. 14, 1991, May 9, 1991, Sept. 12, 1991.

VOTED: To approve the FY'94 School Choice Budget in the amount of \$184,042 to be allotted at the administration's discretion for items determined to be critical to the needs of the system.

NEW BUSINESS:

VOTED: To approve a research and development proposal for Charlene Spaulding to familiarize herself with the curriculum goals for teaching grade 1 including initial planning and selection of materials. The proposal is funded in the amount of \$1,020.

It was moved, seconded and

VOTED: To accept donations from the McCarthy-Towne parent community and friends in an amount sufficient to meet the salary and benefits of a sixth grade teacher for the 1993-94 school year with the stipulation that such action is for one year only without prejudice for the future and that the funding is in place before a teacher is hired.

The motion was approved by a vote of 4 to 1, Steve Aronson dissenting.

There was a concern that acceptance of such gifts would create a potential for inequity across the system. Micki Williams said that although her original intention was to allow schools to have a real hand in providing solutions to prevent forced transfer of students, it was too broad a motion. She did not intend parents funding teachers - that was the community's duty, however, she felt that at this point it would be inappropriate to back away. Steve Aronson said he appreciated Micki's statement, that it was difficult to understand the impact of a decision made with the best of intentions. He said there was a need to get the message of our concern to the schools so that this will not occur again.

VOTED: To accept the sum of \$20,000 from the Gates School P.T.O. for the purpose of paying the salaries of instructional aides in the multi-grade classrooms and professional development salaries for staff and consultants for the 1993-94 school year with the stipulation that such action is for one year only without prejudice for the future and, specifically, any unspent money will be returned to the Gates School P.T.O.

The motion was approved by a vote of 4-1, Steve Aronson dissenting.

Lees Stuntz commended the school communities for pulling together and trying to come up with solutions for the coming school year.

As discussed at the Regional meeting, adjustments to the proposal for revision of "Acceptance of Gifts to the School Districts" policy will be made and brought back for a second reading at a future meeting.

FOR YOUR INFORMATION: There were no comments on the information provided in the packets.

WARRANT DISCUSSION: There were no questions.

CONCERNS OF THE COMMITTEE:

Steve Aronson wondered how best serve those present for the Local meeting which starts so late when there are two meetings on the same evening. It was agreed to start with the Local meeting on August 3.

Jean Butler asked if the starting times for the elementary schools has been determined. Dr. Zimmerman said that Douglas and Gates would be on the early schedule (8:35 a.m.) and Conant, Merriam and McCarthy-Towne would start at 9:15 a.m.

NEXT MEETING: Tuesday, August 3, 1993 starting at 7:00 p.m.

Two changes were made in the 1993-94 School Committee schedules - The Local meeting which would ordinarily be held on Oct. 14, will be held on October 13 and the November 11 meeting will be held on November 18.

EXECUTIVE SESSION

At 11:55 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining issues under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 12:04 a.m.

It was moved, seconded and

VOTED: To approve an early retirement agreement with Ann Jacobs, teacher of grade 3 at Conant School, contingent on Ms. Jacobs signing on.

The motion was approved by a vote of 4 to 1, Steve Aronson dissenting.

The meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Evelyn I. Smith
Secretary pro tempore.

1

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: August 9, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry Rhodes, Building Commissioner *GR*
SUBJECT: Scupper Jack's 559 Great Road

The applicant is proposing to install a pool table and a video machine. I have inspected the restaurant and found that the location of them will not interfere with the egress from the second floor. It is my opinion that if they install more than those two items I would have to say that they added a new USE, Amusement Facility. An Amusement Facility would require a Special Use Permit from the Board of Selectmen.

EXTRA INFORMATION FOR 8/10/93

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

Extra
2

DATE: 8/10/93

TO: The Board of Selectmen
FROM: John Murray
SUBJECT: Memorial Library Main St. Parking - Historic District
Commission letter received on 8/10/93

Late this afternoon, the attached letter from the HDC arrived. I feel that the letter speaks for itself, with the possible exception of the legal question of jurisdiction.

On page 76 of the Local Historic District Bylaw (attached as exhibit B) (section 9.1.2) exempts terraces, walks, driveways, and similar structures, provided that any structure is substantially at grade level. Due to the fact that the HDC did not make citation of a specific case or cases and the lateness of the hour, I do not have an opinion of Town Counsel to provide you.



TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

To: Dean A. Charter, Municipal Properties Director
From: Thomas Peterman, Historic District Commission
Re: Parking proposal for Acton Town Common
as described by Engineering Dept. drawing dated June 1993

The Historic District Commission addressed the proposed parking plan for the Town Common presented to us at our regular meeting on August 2, 1993. The plan prepared by the Town Engineering Department indicates, that in addition to reconfiguring walkways in front of the Memorial Library, that four parallel parking spaces be added on Main Street as a convenience to the Library, Women's Club and Congregational Church. The town has in the past condoned occasional parking on this stretch of Main Street by these groups. The proposal before the Selectmen legitimizes and improves upon this current use by the creation of four legal spaces complete with additional paving, curbs, and sidewalk.

The Historic District Commission (HDC) considered the proposed site plan and accompanying interdepartmental communications furnished to us by Dean Charter and unanimously arrived at the following opinion:

- 1) As a matter of principal the HDC abhors any on-street parking within the Town Common, which we regard unquestionably as the most important public space in the town of Acton. We view the inclusion of parking on Main Street as both a violation and serious detriment to the historic character of the Town Common, which has survived relatively unchanged from its appearance in the mid ninetieth century.
- 2) The HDC does not endorse the attempt to legitimize the current illegal parking that occurs on Main Street and further urges the Town officials to discourage this practice. There are currently no legal on-street parking spaces in the Town Common and we recommend that the wisdom of this policy be upheld.
- 3) While four parking spaces could be viewed as a minor alteration, the HDC regards their proposal on Main Street as a destructive precedent that could encourage additional on-street parking in the future. Parking in this location will also obstruct and detract from the appearance of both the Town Hall and Memorial Library. Additional parking, if needed, should be developed on parcels behind the existing structures which front the common, as is the case with Town Hall. The Congregational Church is currently developing such a proposal for a site adjacent to their property.
- 4) Further the HDC questions the safety of parallel parking on Main Street where the speed and volume of traffic would place a driver exiting from their car at serious risk of personal injury. In addition, the flow of traffic along Main Street would be disrupted by vehicles attempting to parallel park.

5) Likewise, because of the existence of adequate parking for the disabled behind Town Hall with a ramp directly to Memorial Library, the HDC does not find the Commission on Disabilities rationale compelling for allowing parking in this location.

6) Given that the Town has more pressing needs during these lean fiscal times the HDC views this proposal as unnecessary and of minimal benefit to the current parking shortage experienced during periods of peak demand. The HDC recommends, that when town finances allow, that a comprehensive parking study be conducted for Acton Town Center which offers a solution to the parking problem that is sensitive to the historic character of the Town Common. The issues at stake are too critical to receive such a cursory and piecemeal solution at this time.

While there was some difference of opinion on the HDC on whether this parking proposal is within our legal jurisdiction, precedent on a state level indicates that it may in fact be. Although the proposed construction is substantially at ground level, on-grade parking areas have been held by the courts to be within the purview of state chartered Historic District Commissions.

The HDC would therefore request that the town submit an application for a Certificate of Appropriateness to us for the aforementioned project. We believe that this matter may be of sufficient importance to require further deliberation on the jurisdictional issues involved and will almost certainly require a public hearing if found to be within our domain.

The HDC wishes to thank Dean Charter for the opportunity to review this proposal before going before the Selectmen for their consideration, and extends an offer to consult further with the town on this matter before the finalization of plans.

C H A P T E R PLOCAL HISTORIC DISTRICT BYLAW

The Town of Acton creates a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

- ALTERATION, TO ALTER, The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.
- BUILDING: A combination of materials forming a shelter for persons, animals or property.
- CERTIFICATE: A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.
- COMMISSION: The Historic District Commission as established in this Bylaw.
- CONSTRUCTION: TO CONSTRUCT: The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
- DISPLAY AREA: The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.
- DISTRICT: The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHECTURAL FEATURE: Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED: The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS: Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE: A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING: A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

4. COMMISSION

- 4.1 The DISTRICT shall be overseen by a COMMISSION consisting of six members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.
- 4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the Acton Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Acton; one member from two nominees of the Board of Realtors covering Acton; and one property owner from within each of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.
- 4.3 The Board of Selectmen may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

- 4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.
- 4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.
- 4.6 Four members of the COMMISSION shall constitute a quorum.

5. COMMISSION POWERS AND DUTIES

- 5.1 The COMMISSION shall exercise its powers in administering and regulation the CONSTRUCTION and ALTERATION of any STRUCTURES and BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE AND DISTRICT area.
- 5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.
- 5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which will meet the requirements of the DISTRICT. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

- 7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.
- 7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.
- 7.4 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.
- 7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or is category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

- 7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issued a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.
- 7.5.1 Prior to the issuance of a disapproval of an application for a CERTIFICATE of Appropriateness, the COMMISSION may, at its sole discretion, notify the applicant in writing of its proposed action accompanied by specific recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the COMMISSION. If within fourteen (14) days of the receipt of such notice the applicant files a written modification of his application in conformity with the recommended changes of the COMMISSION, the COMMISSION shall issue a CERTIFICATE of Appropriateness.
- 7.6 The concurring vote of four members of the COMMISSION shall be required to issue a CERTIFICATE.
- 7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.
- 7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.
- 7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval, thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

- 7.10 The COMMISSION shall send a copy of its CERTIFIATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.
- 7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship due to Failure to Act.
- 7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.
- 7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters acting as arbitrator and designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR DETERMINATIONS

- 8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.
- 8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportion of the BUILDINGS or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw, however, such requirements shall not further limit the maximum floor area ratio and height of a BUILDING as defined and permitted in the Acton Zoning Bylaw.

- 8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.
- 8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view.
- 8.5 The COMMISSION shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the DISTRICT.

9. EXCLUSIONS

- 9.1 The COMMISSION shall exclude from its purview the following:
- 9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.
- 9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.
- 9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.
- 9.1.4 The color of paint.
- 9.1.5 The color of materials used on roofs.
- 9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.
- 9.1.7 The reconstruction, substantially similar in exterior design, or a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun, within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, or construed to prevent any CONSTRUCTION or ALTERATION condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Acton, or owner of property within Acton, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Acton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within twenty-one (21) days of receipt of such request.

- 11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.
- 11.4 The COMMISSION may designate the Building Commission of the Town of Acton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

South Acton District

The South Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the South Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 1 - 1990 which is a part of this bylaw. Sheet 1 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Appendix 2:

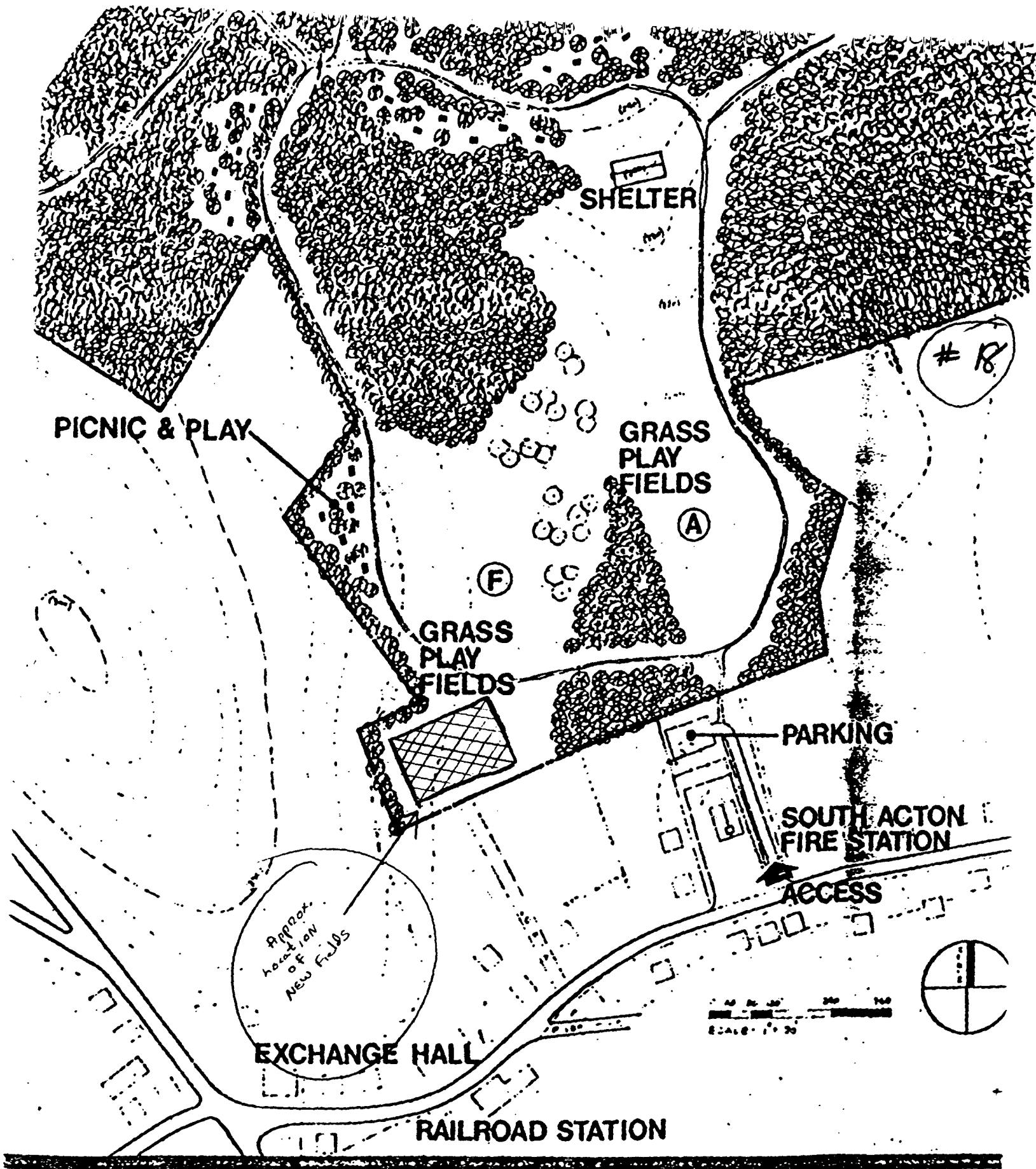
Acton Centre District

The Acton Centre District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Acton Centre District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 2 - 1990 which is a part of this bylaw. Sheet 2 is based on the 1989 Town Atlas. The delineation then in existence and shown therein, except as otherwise apparent on Sheet 2.

Appendix 3:

West Acton District

The West Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the West Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 3 - 1990 which is a part of this Bylaw. Sheet 3 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 3.



HILL RECREATION AREA ACTC
 RECREATION COMMISSION KALLSTROM / ANDERSON INC. LANDSCAPE ARCHITECT

20

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: August 9, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry Rhodes, Building Commissioner *GAR*
SUBJECT: Site Plan amendment #1/16/73-57 10 Spruce
additional comments

I am concerned that the submission does not include an elevation plan. Therefore, I included a condition that the addition can not exceed the height of the existing building. This will hopefully prevent a "Meineke" recurrence.

#####

Amendment of the Decision of the Board of Selectmen on the Petition of Nick Bottos for the property located at 10 Spruce Street. Said property is shown on Acton Town Atlas map F2A, parcel 92.

This Decision is in response to an application submitted to the Board on July 12, 1993 to amend the existing Site Plan Special Permit.

The Board exercises its powers to amend this permit without a new public hearing in that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and the terms of the permit.

Submitted for the Boards' deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

Letter to the Board of Selectmen dated July 12, 1993 from Acton Survey and Engineering.

Exhibit II

A plot plan of land in Acton, Massachusetts prepared for Nick Bottos dated July 12, 1993.

Exhibit III

IDC from the Building Commissioner to the Town Manager.

Based upon its review of the exhibits and the record of the proceedings, the Board found and concludes that:

1. The Site Plan Special Permit #1/16/73-57 remains in full force and effect with this Amendment affecting only those issues that are hereinafter listed.
2. The Decision is herein modified to allow the proposed weather enclosure of 442 square feet.
3. The access driveway shall be repaved so as to prevent surface water from leaving the site and entering Spruce Street. The work is to be overseen by Acton Survey & Engineering. If the proposed repaving does not prevent the runoff from entering Spruce Street the Board reserves the right to order the installation of slotted drains one year after the repaving of the entrance.
4. The addition shall not exceed the height of the existing building.

Amendment
Site Plan Special Permit #1/16/73-57
Car Wash
10 Spruce Street

Page 2 of 2

#####

The Board of Selectmen voted to GRANT the requested Site Plan Special Permit Amendment.

Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of 1993.

F. Dore' Hunter, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

Christine Joyce
Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of the Car Wash has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering

Amendment
Site Plan Special Permit #1/16/73-57
Car Wash
10 Spruce Street

Page 3 of 2

#####

Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stow, Sudbury

9

INTERDEPARTMENTAL COMMUNICATION

Extra
Consent
8/10/93

DATE: 8/9/93

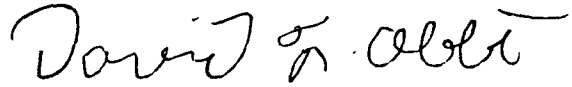
TO: Board of Selectmen

FROM: Engineering

SUBJECT: Emergency Electrical Hook-up - 456 MASSACHUSETTS AVE

We have received a request for Emergency Electrical Hook-up prior to the public hearing. The location is a new home which is nearly completed and ready for closing and occupancy.

We have no objections to allowing this request.


David Abbt
Engineering Admin.

BOSTON EDISON COMPANY
15 Blandin Avenue
Framingham, Massachusetts 01701

AUG 7 6 1993

August 2, 1993

FILE COPY

Board of Selectmen
Town Hall
Acton, MA 01701

RE: Massachusetts Avenue
Acton, MA
W.O.#661587


Dear Members of the Board:

The enclosed petition and plan is being presented by the Boston Edison Company for the purpose of obtaining a Grant of Location for approximately twenty (25) feet of conduit at the above location.

The conduit has been installed by the customer Higgins & Welch in order to provide electric service to #456 Massachusetts Avenue, Acton.

Your prompt attention to this matter would be greatly appreciated.

Very truly yours,


Denis J. Deagle, Supervisor
Rights, Permits & Survey

DJD/dm

Enclosure

PETITION OF BOSTON EDISON COMPANY FOR LOCATION FOR CONDUITS
AND MANHOLES

To the BOARD OF SELECTMEN of the Town of Acton Massachusetts:

Respectfully represents BOSTON EDISON COMPANY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by R. A. Ruscitto dated August 2, 1993, and filed herewith, under the following public way or ways of said Town:

Massachusetts Avenue - southeasterly approximately 367 feet east of Prospect Street,
a distance of about 25 feet - conduit
(Hearing Required)

BOSTON EDISON COMPANY

By

Denis J. Beagle; Supervisor
Rights, Permits & Survey

Dated this 2nd day of August 1993

Town of Acton Massachusetts.

Received and filed.....19.....

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

*Extra
8/10*

TO: John Murray
FROM: Lt. McNiff
SUBJ: Hate Crime

DATE: August 10, 1993

CONFIDENTIAL

John,

Just to keep you informed, there was an incident last evening involving a hate crime at the Brook St. Apartments. A Korean male resident has been the brunt of taunting and racial slurs from some of the neighborhood kids for some time. Last night, as this man was walking across the parking lot, two boys were making fun of him in the way he walked and talked. Apparently he had enough and struck one of the boys on the head. The victim, at 12 year old, claimed that the man struck him with his fist, which at the time was tightly wrapped around a key chain and a half a dozen keys. The adult claimed that he threw the keys at the boy hitting him on the head. At any rate, the kid had a good sized welt on his head and the man was arrested for assault & battery with a dangerous weapon. He was arraigned in court this morning and will be given a trial date at some time later on.

In addition to the usual criminal investigation, the Human Rights Officer has been assigned to the case and will pursue the matter also.

Doc

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

Extra
8/10

TO: Mr. John Murray ATM DATE: August 10, 1993
FROM: Det. Todd D. Fenniman
SUBJ: Hate Crime Incident #I9309500

CONFIDENTIAL

After reviewing Sgt. Rogers' report on this incident, I contacted Assistant District Attorney Jerry Leone of the Civil Rights Unit of the Middlesex County District Attorney's Office. I apprised ADA Leone of all the pertinent facts in this case and the resulting arrest information. ADA Leone reviewed the circumstances and concluded that the incident did not fall under a criminal civil rights statute where there was no threat of violence or imminent harm to Mr. Seo.

In consultation with ADA Leone the decision was made to pursue this matter by speaking with both juveniles and their parents and advising the juveniles to cease making such verbal comments to Mr. Seo or any other minority group. ADA Leone also wanted the juveniles advised that while their actions were wrong in some respect that they in no way justified being assaulted in such a manner by Mr. Seo.

Mr. Seo may use the verbal taunting as a defense in his criminal matter at trial. To what success he will achieve with this defense, ADA Leone could not surmise.

In order to constitute a criminal civil rights violation against the two juveniles, the Commonwealth would have had to establish:

1. That a person(the perpetrator) by force or threat of force,
2. Willfully,
3. Injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, or oppresses or threatens,
4. Any person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the United States or the Commonwealth.
5. For a felony, bodily injury results. (M.G.L. 265 s. 37)

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

With no force or threat of force, there is no criminal violation. Whereas the resulting consequences of racially motivated taunts was an assault, the information was recorded onto a Massachusetts Hate Crime Reporting form and will be forwarded to the Crime Reporting Unit/Criminal information Section of the Massachusetts State Police.

As of the writing of this memo, I have been unable to make contact with the two juveniles and their parents. I left messages on the answering machine of one home and there is no answer at the other. Contact will also be made with Mr. Seo at the appropriate time.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

Don's
Extra
Info 8/10
①

DATE: August 9, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry Rhodes, Building Commissioner *GJR*
SUBJECT: Scupper Jack's 559 Great Road

The applicant is proposing to install a pool table and a video machine. I have inspected the restaurant and found that the location of them will not interfere with the egress from the second floor. It is my opinion that if they install more than those two items I would have to say that they added a new USE, Amusement Facility. An Amusement Facility would require a Special Use Permit from the Board of Selectmen.

EXTRA INFORMATION FOR 8/10/93

Extra
2

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 8/10/93

TO: The Board of Selectmen
FROM: John Murray
SUBJECT: Memorial Library Main St. Parking - Historic District
Commission letter received on 8/10/93

Late this afternoon, the attached letter from the HDC arrived. I feel that the letter speaks for itself, with the possible exception of the legal question of jurisdiction.

On page 76 of the Local Historic District Bylaw (attached as exhibit B) (section 9.1.2) exempts terraces, walks, driveways, and similar structures, provided that any structure is substantially at grade level. Due to the fact that the HDC did not make citation of a specific case or cases and the lateness of the hour, I do not have an opinion of Town Counsel to provide you.

8/10/93

2



TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

To: Dean A. Charter, Municipal Properties Director
From: Thomas Peterman, Historic District Commission
Re: Parking proposal for Acton Town Common
as described by Engineering Dept. drawing dated June 1993

The Historic District Commission addressed the proposed parking plan for the Town Common presented to us at our regular meeting on August 2, 1993. The plan prepared by the Town Engineering Department indicates, that in addition to reconfiguring walkways in front of the Memorial Library, that four parallel parking spaces be added on Main Street as a convenience to the Library, Women's Club and Congregational Church. The town has in the past condoned occasional parking on this stretch of Main Street by these groups. The proposal before the Selectmen legitimizes and improves upon this current use by the creation of four legal spaces complete with additional paving, curbs, and sidewalk.

The Historic District Commission (HDC) considered the proposed site plan and accompanying interdepartmental communications furnished to us by Dean Charter and unanimously arrived at the following opinion:

- 1) As a matter of principal the HDC abhors any on-street parking within the Town Common, which we regard unquestionably as the most important public space in the town of Acton. We view the inclusion of parking on Main Street as both a violation and serious detriment to the historic character of the Town Common, which has survived relatively unchanged from its appearance in the mid ninetieth century.
- 2) The HDC does not endorse the attempt to legitimize the current illegal parking that occurs on Main Street and further urges the Town officials to discourage this practice. There are currently no legal on-street parking spaces in the Town Common and we recommend that the wisdom of this policy be upheld.
- 3) While four parking spaces could be viewed as a minor alteration, the HDC regards their proposal on Main Street as a destructive precedent that could encourage additional on-street parking in the future. Parking in this location will also obstruct and detract from the appearance of both the Town Hall and Memorial Library. Additional parking, if needed, should be developed on parcels behind the existing structures which front the common, as is the case with Town Hall. The Congregational Church is currently developing such a proposal for a site adjacent to their property.
- 4) Further the HDC questions the safety of parallel parking on Main Street where the speed and volume of traffic would place a driver exiting from their car at serious risk of personal injury. In addition, the flow of traffic along Main Street would be disrupted by vehicles attempting to parallel park.

5) Likewise, because of the existence of adequate parking for the disabled behind Town Hall with a ramp directly to Memorial Library, the HDC does not find the Commission on Disabilities rationale compelling for allowing parking in this location.

6) Given that the Town has more pressing needs during these lean fiscal times the HDC views this proposal as unnecessary and of minimal benefit to the current parking shortage experienced during periods of peak demand. The HDC recommends, that when town finances allow, that a comprehensive parking study be conducted for Acton Town Center which offers a solution to the parking problem that is sensitive to the historic character of the Town Common. The issues at stake are too critical to receive such a cursory and piecemeal solution at this time.

While there was some difference of opinion on the HDC on whether this parking proposal is within our legal jurisdiction, precedent on a state level indicates that it may in fact be. Although the proposed construction is substantially at ground level, on-grade parking areas have been held by the courts to be within the purview of state chartered Historic District Commissions.

The HDC would therefore request that the town submit an application for a Certificate of Appropriateness to us for the aforementioned project. We believe that this matter may be of sufficient importance to require further deliberation on the jurisdictional issues involved and will almost certainly require a public hearing if found to be within our domain.

The HDC wishes to thank Dean Charter for the opportunity to review this proposal before going before the Selectmen for their consideration, and extends an offer to consult further with the town on this matter before the finalization of plans.

C H A P T E R PLOCAL HISTORIC DISTRICT BYLAW

The Town of Acton creates a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

- ALTERATION, TO ALTER,** The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.
- BUILDING:** A combination of materials forming a shelter for persons, animals or property.
- CERTIFICATE:** A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.
- COMMISSION:** The Historic District Commission as established in this Bylaw.
- CONSTRUCTION:** **TO CONSTRUCT:** The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
- DISPLAY AREA:** The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.
- DISTRICT:** The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHECTURAL FEATURE: Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED: The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS: Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE: A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING: A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

4. COMMISSION

- 4.1 The DISTRICT shall be overseen by a COMMISSION consisting of six members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.
- 4.2 The COMMISSION shall include, if possible, one member from two nominees solicited from the Acton Historical Society, one member from two nominees solicited from the chapter of the American Institute of Architects covering Acton; one member from two nominees of the Board of Realtors covering Acton; and one property owner from within each of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.
- 4.3 The Board of Selectmen may appoint up to four alternate members to the COMMISSION. Each alternate member shall have the right to act and vote in the place of one regular member should such member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

- 4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.
- 4.5 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.
- 4.6 Four members of the COMMISSION shall constitute a quorum.
5. COMMISSION POWERS AND DUTIES
- 5.1 The COMMISSION shall exercise its powers in administering and regulation the CONSTRUCTION and ALTERTION of any STRUCTURES and BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE AND DISTRICT area.
- 5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.
- 5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which will meet the requirements of the DISTRICT. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

- 5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.
- 5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.
- 5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT CERTIFICATE

- 6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from the public way on which the lot or property containing such BUILDING or public way on which the lot or property containing such BUILDING or STRUCTURE has frontage, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION, or ALTERATION. Where a lot containing such BUILDING or STRUCTURE has frontage, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION, or ALTERATION. Where a lot containing such BUILDING or STRUCTURE has frontage on more than one public way, the COMMISSION shall limit its review powers established under this Bylaw to the public way from which the view of the BUILDING or STRUCTURE is, in the opinion of the COMMISSION, most relevant to the integrity of the DISTRICT.
- 6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE of for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town of any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

- 7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the Town Clerk and the COMMISSION an application for a CERTIFICATE of Appropriateness, or non-Applicability or of Hardship as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.

- 7.2 The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.
- 7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.
- 7.4 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.
- 7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

- 7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issued a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.
- 7.5.1 Prior to the issuance of a disapproval of an application for a CERTIFICATE of Appropriateness, the COMMISSION may, at its sole discretion, notify the applicant in writing of its proposed action accompanied by specific recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the COMMISSION. If within fourteen (14) days of the receipt of such notice the applicant files a written modification of his application in conformity with the recommended changes of the COMMISSION, the COMMISSION shall issue a CERTIFICATE of Appropriateness.
- 7.6 The concurring vote of four members of the COMMISSION shall be required to issue a CERTIFICATE.
- 7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.
- 7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.
- 7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval, thereof may be made without such substantial detriment or derogation, the COMMISSION Ashall issue a CERTIFICATE of Hardship.

- 7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.
- 7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship due to Failure to Act.
- 7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.
- 7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters acting as arbitrator and designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR DETERMINATIONS

- 8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.
- 8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportion of the BUILDINGS or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw, however, such requirements shall not further limit the maximum floor area ratio and height of a BUILDING as defined and permitted in the Acton Zoning Bylaw.

- 8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.
- 8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view.
- 8.5 The COMMISSION shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the DISTRICT.

9. EXCLUSIONS

- 9.1 The COMMISSION shall exclude from its purview the following:
- 9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.
- 9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.
- 9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.
- 9.1.4 The color of paint.
- 9.1.5 The color of materials used on roofs.
- 9.1.6 Signs of not more than two (2) square feet in DISPLAY AREA in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.
- 9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun, within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, or construed to prevent any CONSTRUCTION or ALTERATION condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Acton, or owner of property within Acton, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Acton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within twenty-one (21) days of receipt of such request.

- 11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.
- 11.4 The COMMISSION may designate the Building Commission of the Town of Acton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

South Acton District

The South Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the South Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 1 - 1990 which is a part of this bylaw. Sheet 1 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Appendix 2:

Acton Centre District

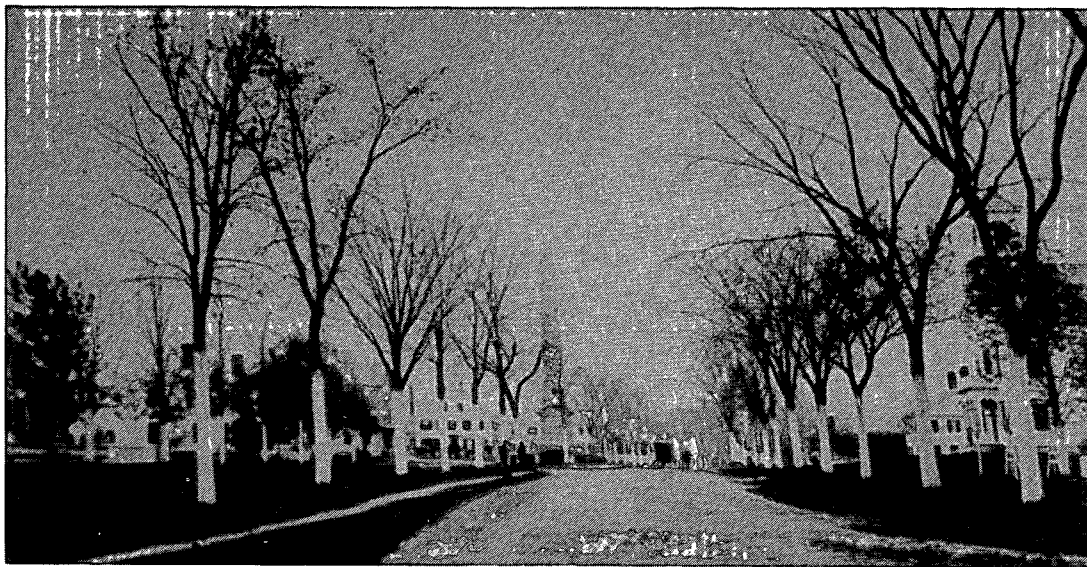
The Acton Centre District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Acton Centre District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 2 - 1990 which is a part of this bylaw. Sheet 2 is based on the 1989 Town Atlas. The delineation then in existence and shown therein, except as otherwise apparent on Sheet 2.

Appendix 3:

West Acton District

The West Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the West Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 3 - 1990 which is a part of this Bylaw. Sheet 3 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 3.

**Historic-Property Owner's Guide
to Architectural Design, Maintenance, and New
Construction
for Residents of
Acton, Groton, and Stow**



ACKNOWLEDGEMENT

The Towns of Acton, Groton and Stow gratefully acknowledge that this project and publication were funded in part by a grant from the Northeast Regional Office of **The National Trust for Historic Preservation**. The project would not have been possible without their support.

Illustrations: (clockwise from top) Main Street, Acton; Main Street, Groton; Old Town Hall, Stow.



January 26, 1993


The Town of Acton is pleased to have taken part in this Boston University study, as it follows other preservation efforts in our community, and will help prepare us for future ones. As a result of recent zoning changes, the Planning Board is increasingly involved in issues of architectural compatibility, and will be able to use the guidelines developed by this study for design review in evaluating development proposals. The Historical Commission works continually for the preservation of the Town's historic resources, and has recently dealt with some threatened prehistoric structures. The sections on design review and the prediction of archaeological sites will be excellent resources to the Historical Commission. The Historic District Commission will soon begin writing its own guidelines for architectural change within the three historic districts, and will look to the report's proposed guidelines as a model. In the meantime, the design, maintenance, style and paint color sections will help owners of historic properties to predict what types of changes will be appropriate in Acton's three historic villages. We are all reminded of the importance of the preservation of archival material, since in making decisions about the future, we frequently turn to it for information about Acton's past.

A growing awareness of both the importance and fragility of our community's historic resources was evidenced by a series of actions taken by Acton citizens in recent years. In 1987, a Demolition Delay Bylaw was enacted. The Town received a Survey and Planning Grant from the Massachusetts Historical Commission in 1989 to update our Inventory of Historic Resources. Early in 1990, the Goals and Objectives of a town-wide Master Plan, in which preservation of Acton's historic character was singled out as a primary goal, were adopted by Town Meeting. Later that year, the establishment of Local Historic Districts in our three surviving village centers showed how strongly Acton residents support the goal of historic preservation.

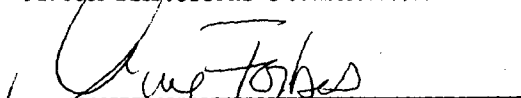
All of these accomplishments were the result of countless hours of work by community volunteers, boards, committees and staff. We have discovered through it all, however, that we do far better if we do not try to go it alone. The experience of other towns proved invaluable to us in these recent efforts, and we still turn to our neighbors whenever we are seeking a solution to a problem or need a fresh perspective on an issue. It is our hope and intention that Acton will continue to participate in the type of inter-community collaboration demonstrated by this report, since, as the Boston University students have so clearly shown, our similarities are much greater than our differences.



Roland Bartl, Town Planner
for the Acton Planning Board



Anita Dodson, Chair AF
Acton Historical Commission



Anne Forbes, Chair
Acton Historic District Commission



TOWN OF GROTON

P.O. BOX 380
GROTON, MASSACHUSETTS 01450

TAX COLLECTOR
(508) 448-6898

Ms. Pat Weslowski
Preservation Studies Program
Boston University
Boston, MA 02215

Dear Pat:

The Town of Groton has been pleased once again to join with the Boston University Planning Colloquium in an assessment of Groton's unique historical resources and the ways in which we can best enhance their preservation for future generations. In the years since its completion, the 1989 Boston University Study "Historic Preservation in Groton: A Guide to Planning" has proven to be an important tool for both the Planning Board and the Historic Districts Commission.

Yet many in town felt the need for a more precise set of instructions to guide property owners, architects, and contractors as they formed their own plans to take before the Planning Board and Historic Districts Commission. In the days before the recent downturn in the Massachusetts economy, pressure for development was intense. The town began to study the idea of new business center adjacent to Main St. but with more room for expansion and easier access during moments of peak traffic congestion on Main St.

Citizens speaking in town meeting repeatedly identify the visual character of Groton as one of the key reasons that prompted them to settle here. Everyone recognized the need for growth, but all were anxious that development take place in ways that strengthens and enhances historic qualities of the town center and its surroundings.

The BU Guidelines point out ways in which all property owners can participate in this effort. Both the Historic Districts Commission and Planning Board intend to review the suggested Guidelines carefully and solicit the widest possible response in public hearings before considering which ideas to adopt, but "Preserving Villages, Sites and Archives" gives us an important place to begin discussion. The Historical Commission and Town Archives Committee also will profit from this document's advice on the preservation and use of important historical manuscripts, as well as ways of identifying key archaeological sites.

We are grateful for the cooperation of our sister towns of Acton and Stow, who joined us in this endeavor, as well as a generous grant from the National Trust for Historic Preservation which made the project possible.

Michelle Colette	Mary Ripley for the	John Tyler for the
Planning Assistant	Historical Commission	Historic Districts



STOW HISTORICAL COMMISSION

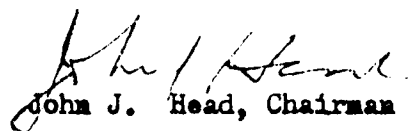
Stow, Massachusetts 01775

The following is a preface for Stow's copies of "Property Owners Guide ----"

For years the Stow Historical Commission has been trying to promote an appreciation for the diverse, yet intrinsically compatible characteristics of Stow's environment.

Travelling down our older main roads and streets, the unfolding views are generally pleasing. Each neighborhood seems harmoniously compact, because each building in it looks pleasantly compatible with its adjacent structures. Terms like "livable" and "comfortable" are used to describe these areas. At this time there are very few intrusive or disruptive structures that downgrade the flowing rhythm of our conforming "Streetscapes".

To help us maintain these desirable attributes in our beloved town we welcome this guide to potential changes. This well prepared work by Boston University students dovetails nicely with the proposed guidelines generated by the Stow Historic District Study Committee. They, along with all boards in town concerned with planning, will use this guide.


John J. Head, Chairman

Stow Historical Commission

Introduction

This pamphlet has been created to assist owners of properties located in Acton, Groton, and Stow's historic villages in designing new buildings, additions or restoration projects which are in character with the building, site and village as a whole. The information is equally useful for properties outside of the historic villages proper.

The pamphlet also provides an explanation of the design factors important to such projects undertaken in the designated Historic Districts of Acton Center, West Acton, South Acton and Groton Center. Property owners within these Historic Districts must take part in a Design Review process, which is conducted by the Historic District Commission. The Commission awards approved projects a "Certificate of Appropriateness", which is required in order to receive building permits and other necessary documents.

The primary goal of the pamphlet is to act as a general guide to help property owners in historic districts successfully prepare for and conclude the design review process. It is intended as a series of suggestions to allow the property owner planning a change, addition, or major maintenance, to anticipate a design acceptable to the Historic District Commission. Because this pamphlet is also intended to aid the general public who is simply interested in maintaining a historic continuity in their neighborhoods, it is necessarily general in nature. Property owners in historic districts who are subject to design review can refer to more detailed design review guidelines by referring to this pamphlet's sister document, "Preserving Villages, Sites, and Archives: Common Themes and Proposed Guidelines for Acton, Groton, and Stow".

This pamphlet is organized by topic, focusing on "site", "building", and "streetscape". The descriptions and illustrations are intended to describe general concepts which can assist in historically sympathetic design. They are intended to guide property owners who wish to maintain the historic integrity of their property but are not sure how to. Finally, a section on maintenance is provided to enable property owners to preserve their properties by taking simple steps on their own to prevent damage and loss.

Further information about these topics may be obtained by contacting:

**Acton Planning Department and Acton Historic District Commission
264-9636**

**Groton Planning Department and Historic District Commission
448-1105**

**Stow Planning Department
897-5098**

Authors:

Amy Amidon, John Clemson, Eric Holcomb, Claudia Marr, Amy McFeeters, John Stephens

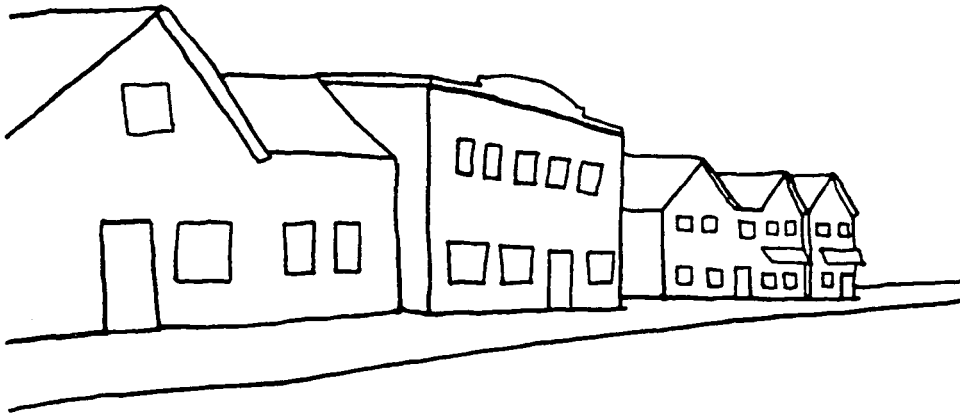
Table of Contents

Site.....	page 5
Building.....	page 11
Streetscape.....	page 19
Maintenance Guide.....	page 25

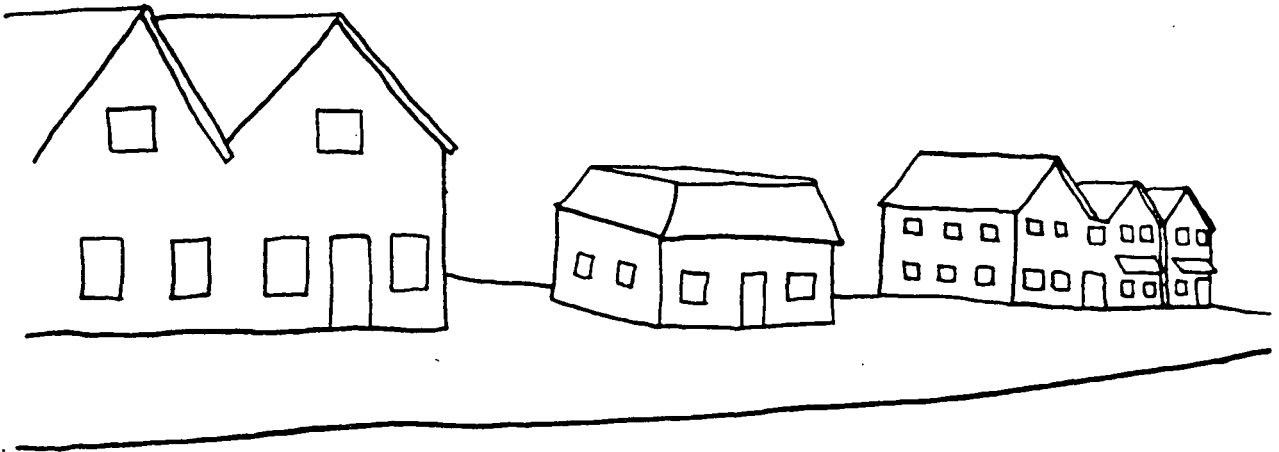
SITE

Lot Size

The minimum lot size allowed in a historic village should reflect the development pattern and density typical of the specific area, surrounding parcels and historic land use. An unusually large lot breaks up the established spatial character of the area and appears out of scale with the surrounding buildings.



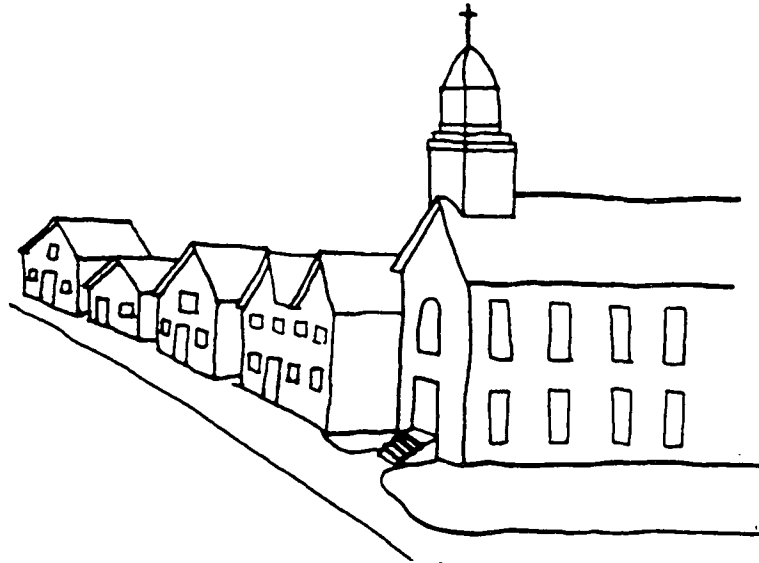
Lot size in scale with surrounding development



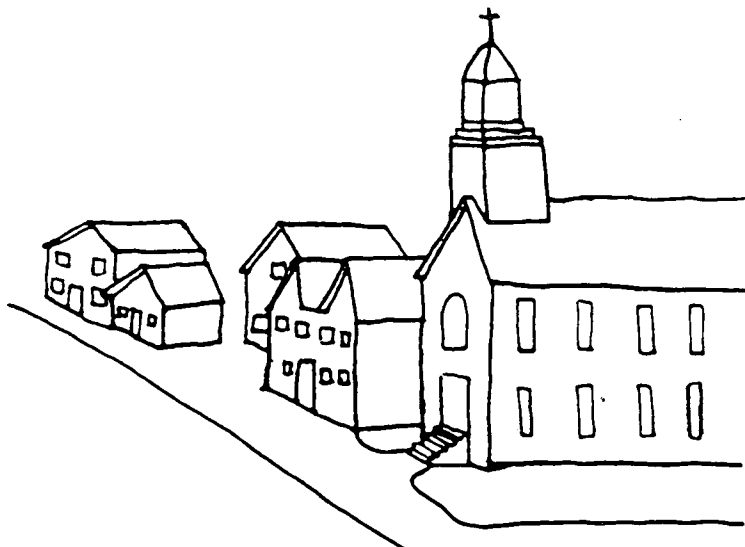
Unusually large lot clashes with surroundings

Setback

The distance which a group of buildings are placed back from the curbline creates a distinct visual edge and emphasizes the buildings' use. For instance, residential buildings often have large front yards for privacy, commercial buildings are usually set close to the street for customer access, and public buildings often have a deep setback to emphasize their importance. New buildings and additions should look to the surrounding buildings to determine the appropriate setback.



Setbacks are appropriate to building types and established patterns



New building does not align with adjacent buildings' setbacks

Parking/Driveways/Garages

Demands of the automobile should not overwhelm or visually detract from the historic village. In commercial development and public buildings, parking should be located to the rear of a building and be shielded from view along the public way. Shared driveways and rear exits can lessen any traffic congestion which might result, and can also increase safety. In residential neighborhoods, driveways should not be unnecessarily wide or visually dominant. Garages are subject to the constraints which affect the design of building additions. Locating garages to the rear of a building and lot will lessen their impact.



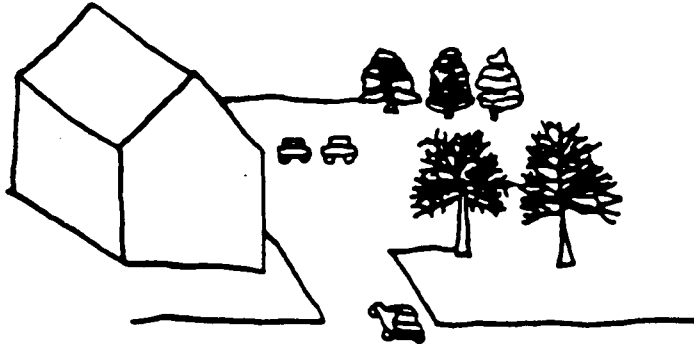
Garage is freestanding and to the rear of the building



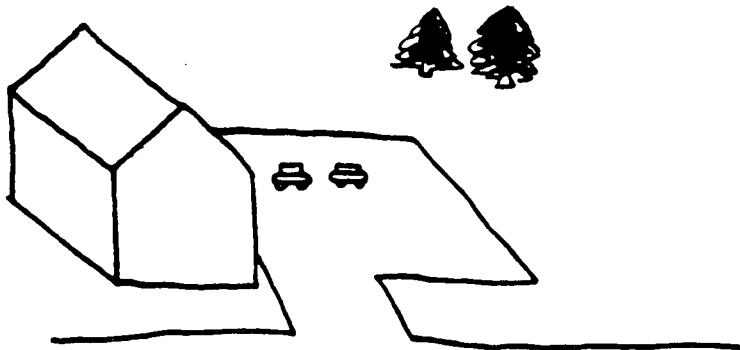
Garage is too prominent when connected to building

Landscaping

Landscaping, including trees, hedges, grass and other groundcovers can be used to reinforce edges, screen parking and utilitarian objects, soften infill development and add visual interest to the historic village. It can also provide privacy, shade, and a retention of the rural character of the region. In areas of new construction, existing trees should be retained whenever possible.



Commercial parking lot is screened with trees



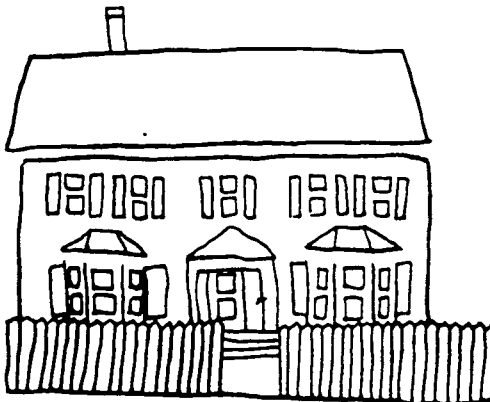
Commercial parking lot is completely visible

Fences

A fence should be constructed of wood, stone or iron, and should not exceed 36" in height. The material and design of the fence should reflect that which was common during the period in which the building was constructed.



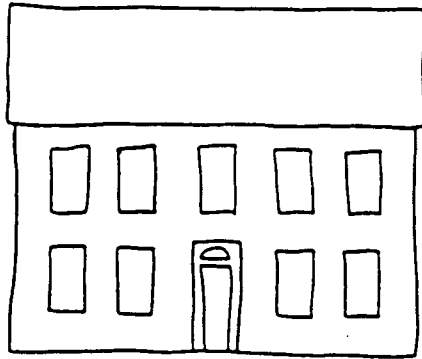
Fence is of appropriate height, materials and design



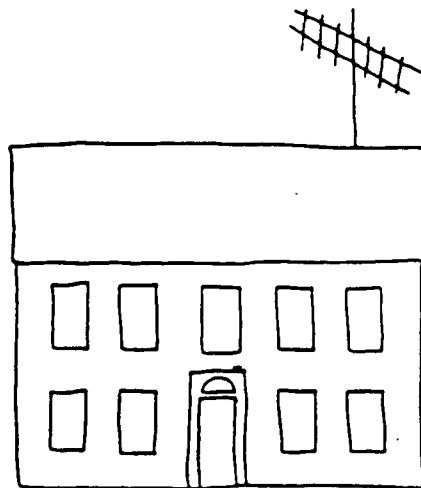
Fence is too high and roughly constructed

Modern Attachments

Any satellite dishes, antennae, air conditioning or heating units, septic system vents or other such items required by modern equipment placed in the historic village should be screened so that they have the least possible visual impact from a public way. Their installation should not damage historic building materials.



Modern attachments are obscured from view along public way

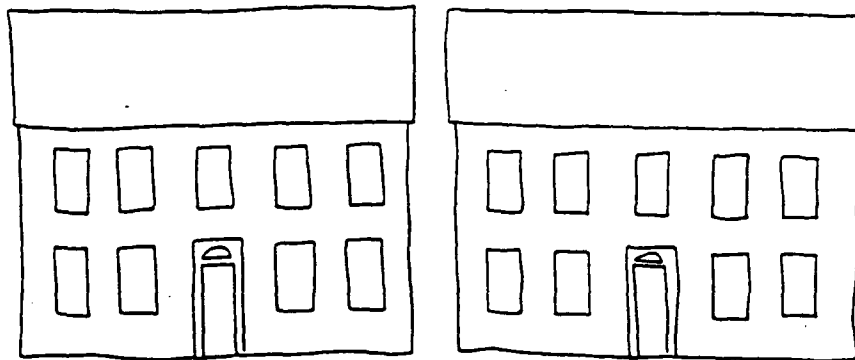


Modern attachments are visible from public way

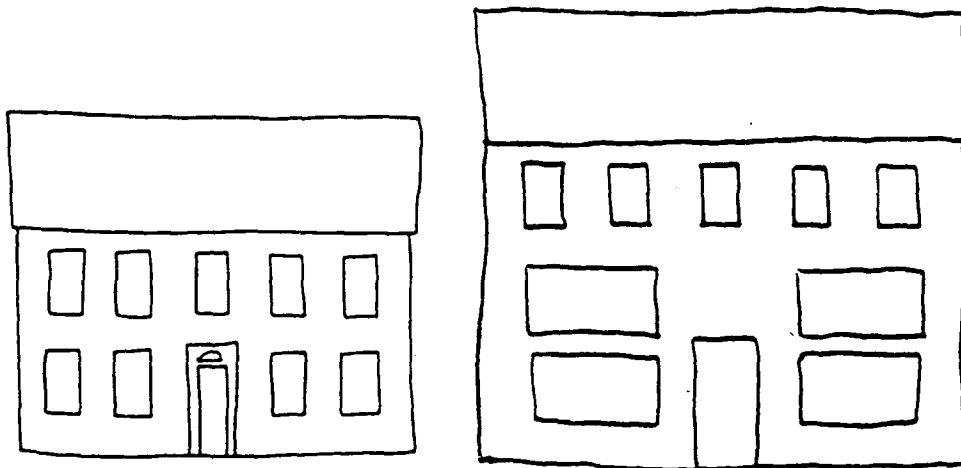
BUILDING

Bulk and Massing

In determining the bulk and massing appropriate to an addition or infill, the new construction must be viewed as part of a larger setting, rather than a singular object. Height, width, scale and general form should reflect that of adjacent buildings, whether they be box-like or more complex, with porches, turrets and other projections.



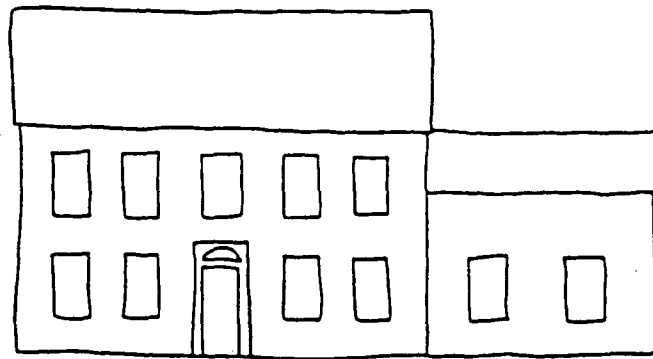
New construction respects bulk and massing of original building



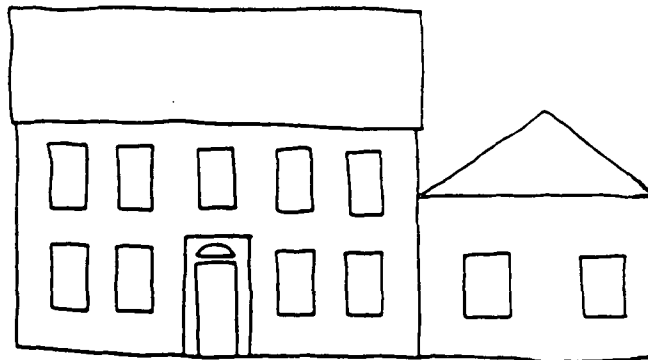
New construction is not compatible with rhythm, width and scale of original building

Roofing

Roof shape and pitch are an important factor in the visual character of a building. Roofs on additions should be consistent with, and similar to, the form and style of the original structure. To determine the appropriate roof shape for infill design, consider the type characteristic of the area. A consistent roof-line is an effective and fairly easy means of visually joining new and old development. The materials used to cover roofs are important as a visual element and as protection from moisture damage. Historic roofing materials common to these historic villages are wood shingles and slate. The cost to replace these historic materials in kind is to be considered in allowing replacement with asphalt shingles.



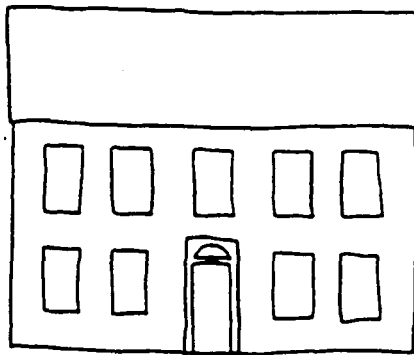
Roof on addition is of similar pitch and style as original building



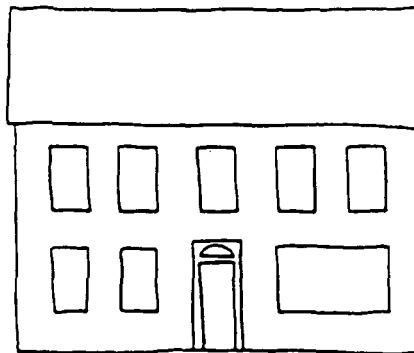
Roof shape is not compatible with roof on original building

Fenestration

Fenestration refers to the arrangement and proportion of doors and windows on a building elevation. Visual rhythm is created by the pattern of solids (wall), and voids (openings), the interruption of which is usually clearly visible and awkward. On additions, windows and doors should be set at the same level as those of the original building. Spacing and window size should also be consistent between building and addition. Window appearance is greatly affected by the use of small panes or large sheets of glass, the size of the window frames, muntins and mullions, and the color of the glass. Modern window materials may contrast greatly with historic windows; therefore the use of storm windows, snap-in mullions and tinted glass should be avoided.



Fenestration accents symmetry



Fenestration destroys symmetry

Style/Details

Style may be emphasized by certain features, including porches, columns or bay windows, or by decorative elements such as trim, carved door surrounds or scalloped shingles. These historic features should be retained. Infill construction and additions should be compatible with the styles of surrounding buildings, but should not exactly imitate or borrow features from them. In addition, an infill design should continue horizontal or vertical alignment created by detail on neighboring buildings. Note the effect of detail on the texture and visual interest of the surrounding historic buildings.



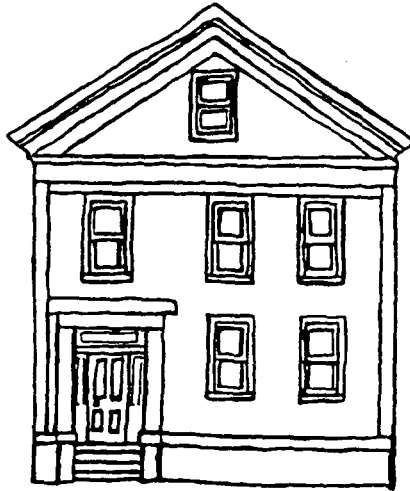
New construction is compatible with adjacent structure, without mimicking details



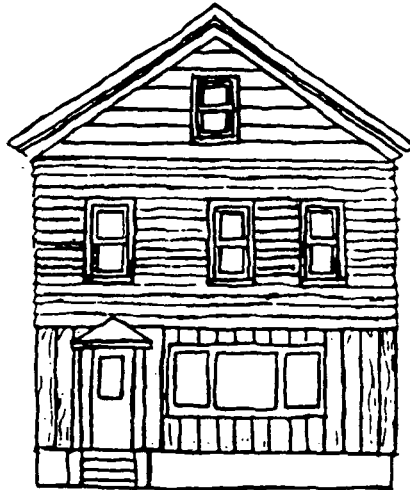
New construction lacks style or detail

Materials

All historic building materials should be retained and maintained whenever possible. Replacement elements should be of the same material and design as the original, and be installed in a careful and neat manner. Natural materials such as brick, stone, wood clapboards and shingles, and slate are preferable to industrial materials such as concrete, sheet metal, asphalt shingles, plastic, synthetic siding and windows, tinted glass and insulated steel doors. These modern materials were not typically available or used at the height of the development of Acton, Groton and Stow's historic building resources, and represent a difference in visual quality and craftsmanship. In addition, removal of historic materials in favor of modern ones represents a loss of original building fabric, which is irreplaceable. Modern materials should be avoided in restorations, additions and at least the exterior of infill development.



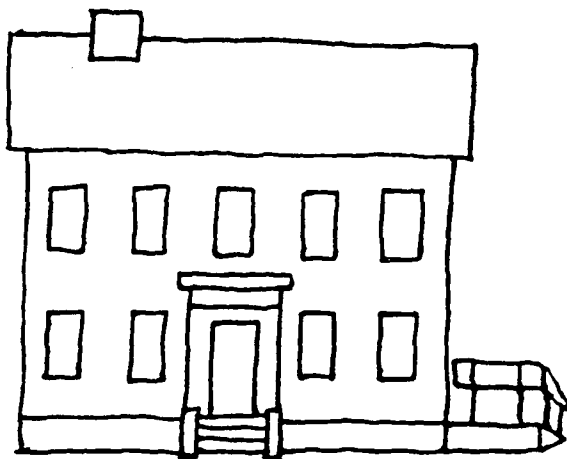
Building materials preserve historic character



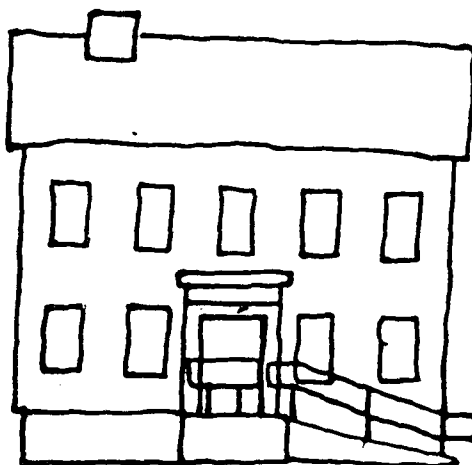
Inappropriate building materials destroy historic character

Handicapped Access

In compliance with the Americans with Disabilities Act, and the Massachusetts Architectural Access Board Regulation, all public buildings must be handicapped accessible. In an historic building, care must be taken to create entrances and circulation paths which fully comply with the regulations, while causing the least damage to historic building materials and the least visual intrusion. Materials used for ramps or new entrances should be compatible with the original building, and may be designed to reflect that building's architectural character.



Side entrance allows for convenient access, while preserving main facade



Handicapped access and widened entry destroys character of main facade

Paint Color

The wide variety of paint color schemes preferred during different periods are an interesting and often unrepresented feature of architectural history. Historic building owners are encouraged to identify true or appropriate original paint schemes for their building and restore them. New construction as well may use historic paint colors as a unifying element.

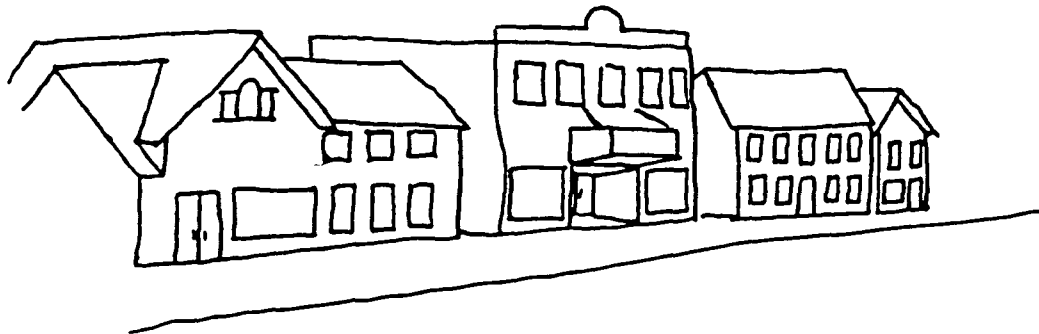
STREETSCAPE

Rhythm

The relationship between a building's scale and its distance from other buildings creates a pattern of solids and voids which, when repeated across a group of buildings or neighborhood is called "rhythm". If various factors such as setback, lot size, and massing are considered in the design process, and incorporated into the new building or addition, the building will fit naturally into the established rhythm.



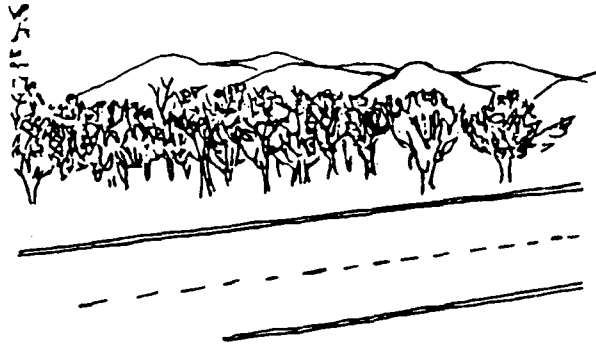
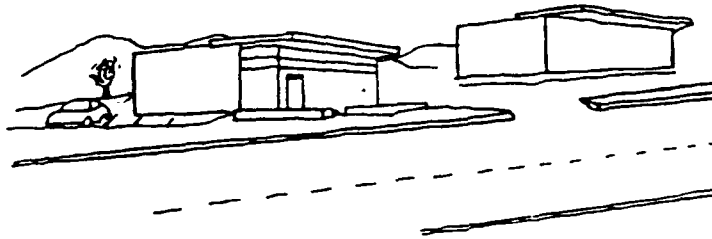
New construction follows the rhythm pattern of surrounding historic structures



New construction is out of proportion and disturbs the rhythm of surrounding historic structures

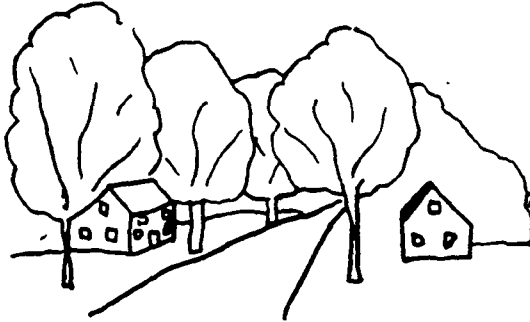
Vistas

The view of the built environment and the natural landscape visible from any particular place is part of the image which makes that place unique and memorable. Changes in these view corridors brought on by construction or even destruction of elements has a great visual impact on a setting.

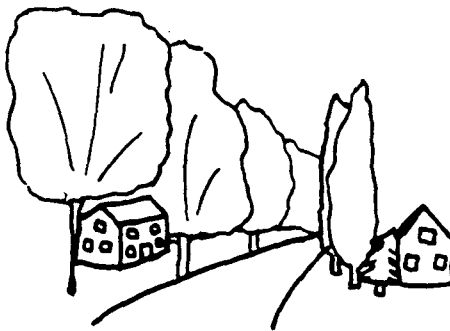
**View of mountains preserved****View of mountains blocked by new construction**

Landscaping and Open Space

Open land within a historic district, whether the district is high in density or is rural in character, contributes to its historic qualities as much as its structures. Plantings and landscaping on privately owned open space and yards should be in harmony with, as well as compatible with, the traditional plant material in the district.



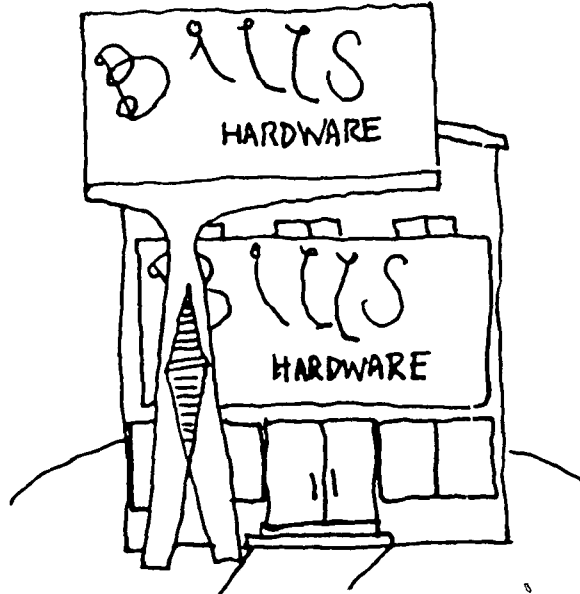
New plantings blend in and preserve the harmony of the natural landscape



Plantings are inharmonious with historic plant material and present a stark contrast with the historic natural landscape

Signage

Signage must be designed so as to integrate with the architectural features of the building on which it is placed. Some of the issues involved include size, color, materials, lettering style, positioning on building, lighting and relationship to neighboring buildings and signs. One attribute characteristic of historic signage is lighter hued letters on a dark background.



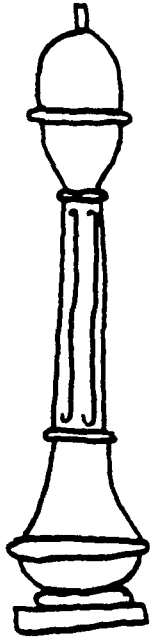
Out of scale signage unsympathetic to the historic building



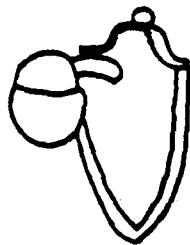
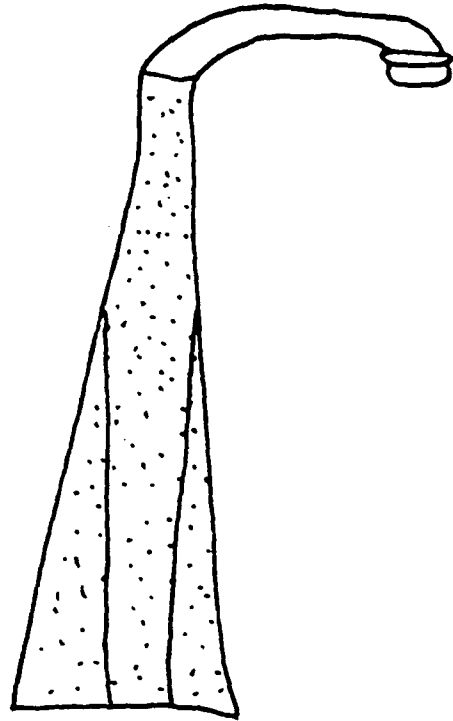
Less intrusive, historically sympathetic signage

Lighting

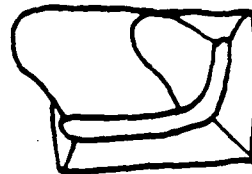
Lighting fixtures should be sympathetic to the pedestrian scale of the village setting. These fixtures should be constructed of appropriate materials, such as wood or cast iron, and produce a quality and quantity of light which is completely adequate for safety, and which enhances the historic character of the village.



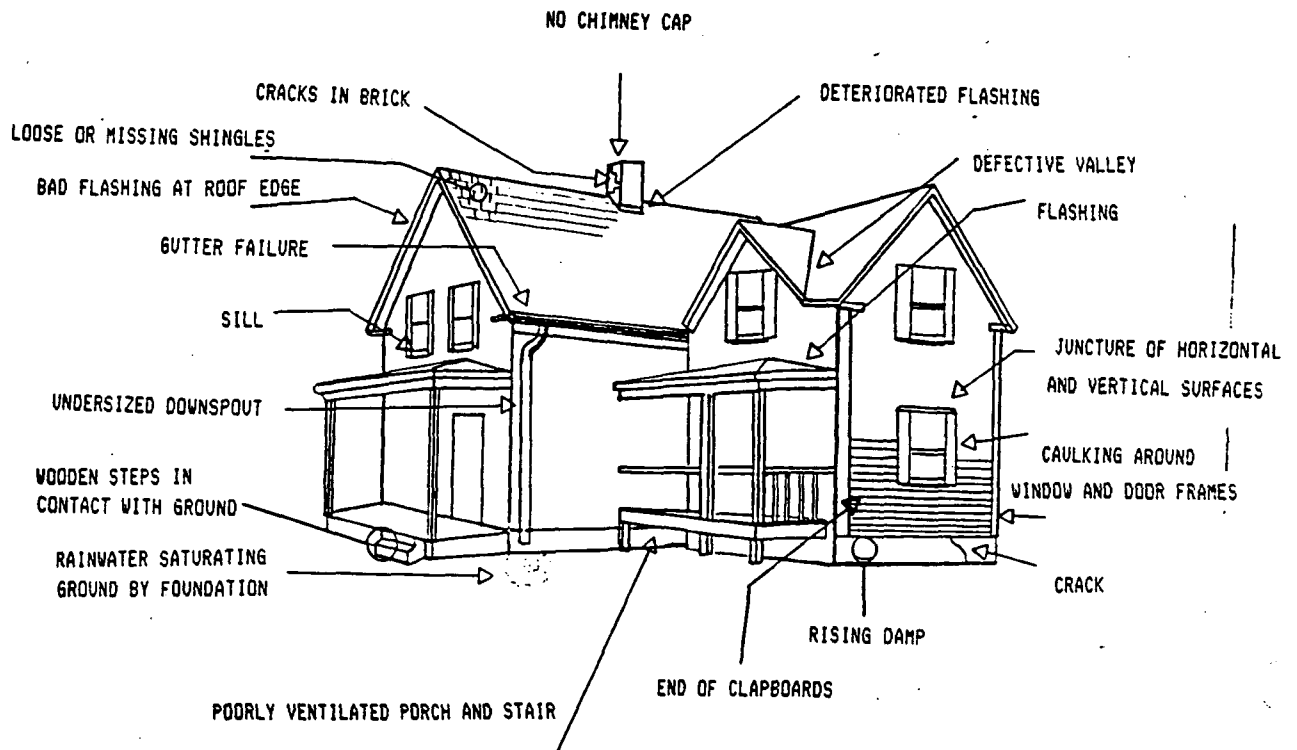
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Causes of Decay



Maintenance Guide

Maintaining Your House

For most of us, the home is our biggest investment; an investment that does not stop when the mortgage is paid, but continues for as long as we live. To insure that a house will rise in property value, every homeowner should have and implement a building maintenance plan. In the long run, a maintenance plan will save the owner thousands of dollars by preventing and arresting any major problems before significant and costly damage can occur. Several maintenance procedures can be done by the homeowner in a weekend while other procedures will require a skilled contractor. Most importantly, the homeowner must be aware of potential problems by continually inspecting his or her house. The following guidelines will help the homeowner, who has little or no understanding of building conservation, in evaluating his or her house for potential problems, and suggest simple procedures he or she can take to ward off disasters.

Causes of Decay

A house is constantly exposed to unforgiving environmental elements. The single most pernicious enemy of a building is moisture. Moisture attacks the building in the form of rain, ground water, and humidity. As moisture penetrates the building fabric, it creates favorable conditions for fungus, mold, mildew and insect infestations which quickly cause damage to wood. Furthermore, moisture destroys the molecular make-up of mortar and causes oxidation and rusting on metallic architectural elements.

The second cause of building deterioration is gravity. As gravity pulls on a building, it causes the load bearing components to move. Furthermore, gravity will cause the ground underneath the building to settle, resulting in cracks in the foundation and plaster walls, out-of-plumb walls and out-of-square windows and doors. In older houses, settlement inevitably occurs. The homeowner need not be alarmed by any initial or insubstantial settlement of the house, though they should keenly monitor any movement.

In addition to movement caused by settling, temperature and humidity causes building components to expand and contract. Building materials such as wood, brick, plaster and metal will expand and contract differently, causing joints to open. It is important for the homeowner to identify areas where joints have opened and to seal them before water can enter. Furthermore, frost damage can occur in places where moisture is trapped.

Other unforgiving environmental elements are ultraviolet light, wind and man made pollutants. Ultraviolet light weakens and dulls paint and varnish. Wind alone does little damage, but combined with rain and snow it assists in water penetration. Man-made pollutants such as carbon dioxide, sulfur dioxide and ozone corrode limestone, lime mortar and metals.

Most damage is caused by a combination of environmental elements. It is important to make sure that all causes of decay are identified. Any time a building component is fixed, the homeowner should monitor the area.

How a House Works

The components of a house work together to create a water tight and structurally sound building. Every component of the house has a specific task. The foundation bears the weight of the building. Structural members such as the sills, studs and roof trusses carry the load of the building and transfer the weight onto the foundation. The exterior sheathing of the house is the building's protective skin. Windows and vents allow the building to breath, thus preventing water condensation. Gutters, down spouts, splash blocks and the roof protects the house from water penetration. Flashing on seams also protects the house from water penetration. When one part of the building fails, damage will occur in other parts of the building, causing a costly and negative chain reaction. Consequently, it is extremely important to fix any problems immediately.

Inspection Checklist - Exterior

I. Roof

The roof is composed of roofing material, flashing, chimney, gutters, dormers and decorative features. Because the roof is the most exposed element of the house, its components will inevitably need replacing.

Roofing Material

- Identify the type of roofing material and determine its age. Using the chart, estimate when it will need replacing.

The chart is only a guide to the life expectancy of different roofing materials. The homeowner should use the chart in relation to close inspection of the roof to determine when it will need replacing.

<u>Roofing Material</u>	<u>Life Expectancy</u>
Asphalt shingles	10-20 years
Red Cedar wood shingles	30-50 years
White Cedar wood shingles *	10-30 years
Slate	Over 100 years

*Note: today's cedar shingles are of poorer quality than those one hundred or even thirty years ago. Thus, a cedar roof put on in the last thirty years may already have exceeded its life expectancy of 10-15 years.

Because not all roof problems result in the need for total replacement, the roof should be inspected each season. Binoculars may be used for a rough inspection of the roof, but if signs of deterioration are present, a closer look is necessary.

- Look for any sign of missing, cracked or warped shingles. In asphalt shingles, check for worn edges and look to see if the aggregates are thinning. Any missing or broken

shingles must be replaced immediately. If the shingles are warped or thinning, the roof will need replacing soon.

- Look for roof sags between the trusses or at the ridge line. Roof sagging can be caused by normal settling or from water damage to the rafters. Be sure to check inside the attic for signs of water damage to the rafters or wooden sheathing.

- Make sure the roof is free of debris and biological growth such as algae or moss. Remove any growth immediately. If large tree limbs have fallen on the roof, check for torn or punctured shingles. If large areas of the roof have biological growth, contact an experienced roofer to assess the problem. Wide spread biological growth may indicate the roof is in need of replacement.

Chimney

- Look for cracks in the chimney. Large cracks require the attention of an experienced contractor.

- Look for brick and mortar deterioration. Spalling bricks, or the popping off of the brick face, is a sign of water damage. If the mortar is loose, repointing is necessary.

- Check to see if there is a chimney cap. If there is no chimney cap, one should be put on immediately.

Flashing

Flashing is the most vulnerable part of the roof. Be sure that each seam between the roof and all building components such as the chimney, dormers, soffit vents, weather vane, gutters and valleys is in good condition.

- Look for signs of rust or loose flashing. Make sure there are no open joints between the flashing and the building components. If the flashing is rusting, replacement is necessary. Replacement of flashing requires significant work and should be done by a professional, competent contractor.

Gutters

- Check to be sure the gutter is not loose, cracked, or rusting. Reattach the gutter if it is loose. If the gutter is cracked or rusted, total replacement is recommended.

- Make sure the gutter is unclogged and angled properly to let the water flow toward the drain pipe. Gutters should be cleaned in the early summer and in late fall after the leaves have fallen.

II. Exterior Walls

Exterior walls protect the interior of the house from environmental elements, as well as bear the weight of the roof and floors. Moisture can penetrate the house through the walls in several ways. Capillary action, known as rising damp, will suck water into the foundation and walls. Moisture in the form of water vapor moves freely through the walls. If the wall is not properly ventilated, water vapor will become trapped and condense inside the wall. Furthermore, rain can enter the building through open joints and cracks. For an exterior wall to remain healthy, it must be properly ventilated; joints and cracks must be sealed, and ground water must be directed away from the foundation. Structural damage can occur from stress overload, settlement, and moisture damage.

- Check to see if the exterior walls are plumb with a level. Out-of-plumb walls are a sign of settlement or structural damage. If a wall is out-of-plumb, closely inspect the wooden sills and wall studs for possible consequent water damage. Wooden sills can be inspected from the basement. Wall studs are harder to inspect because they are seldom exposed. Consequently, look for water damage on the siding and on the interior plaster walls. If there is no sign of water damage, house settlement is most likely a less threatening problem. There is no need for alarm if the walls are *slightly* out-of-plumb, but if they are greatly out-of-plumb, consult an experienced carpenter or mason immediately. (See page 28 for directions for testing wall plumb.)

- Look for bulges or sags in the wall by sighting along the walls. Bulges are caused by either structural overloading or deterioration of structural members. Slight bulges or sags in the walls should not alarm the homeowner, though it is important to determine the causes and to monitor them.

- Check to see if the door and window frames are square. Out-of-square doors and window frames could be a sign of settlement or seasonal movement caused by temperature change. Hard to shut windows and doors do not necessarily mean they are out-of-square. A simple adjustment of the door hinged may solve the problem.

How to Monitor out-of-plumb, bulging or sagging walls

Out-of-plumb

Pick a specific area on the gutter or the edge of the roofline to drop a plumb bob. Once the plumb bob is still, measure the distance between the plumb bob line and the wall in several locations. Any change in the distance from previous measurements indicates movement in the wall.

Bulging or sagging

Take a long, straight two-by-four and place it over a sag in the wall. Measure the distance between the edge of the two-by-four and the wall. Any change will indicate further sagging. Be sure the two-by-four is placed in the exact position where the first measurement was taken. For bulging walls place an end of the two-by-four in the middle of the bulge and the other above or below the bulge. Measure the distance. One can also use a string line for measuring sags or bulges. This should be done yearly during the same season. If the homeowner wants to find out if the building moves from temperature differentiation, they can take measurements during the summer and winter.

Moisture Problems in Exterior Walls

- Check the joints between all building components, especially where the siding abuts corner boards, foundation, window frames, door frames, porches, and chimneys. All joints should be caulked or flashed.

- Check to be sure the wooden siding is not cracked, loose or missing. All missing siding must be replaced immediately before water can enter the house. All cracks in the siding must be sealed with caulk.

- Make sure the walls are properly ventilated. This is hard to determine. One sign of poorly ventilated walls is peeling paint at the level between the wood and primer coat. If poor ventilation is suspected, consult an experienced contractor. Do not caulk the bottoms of the clapboards, as this will stop the flow of dry air through the wall. An inexpensive, quick, and low maintenance solution to damaged or paint peeled wood clapboards is the application of synthetic or vinyl siding. However, aside from any aesthetic objection, the improper application of synthetic siding can sometimes exacerbate ventilation and moisture problems, trapping moisture within walls and causing serious structural damage. ~~Determined~~ *Determined* through hardship that synthetic siding is the only possible solution to a maintenance problem, it should be installed properly with good ventilation and *should be completely reversible*.

- Be sure window shutters are properly ventilated. Make sure that mold or mildew is not growing underneath shutters. If there are signs of mold and mildew growth behind shutters, they need to be shimmed further out from the wall.

- Make sure eaves and cornices do not have any cracks or open joints. Be sure decorative trim is tightly attached to the building and all joints are caulked. Also make sure that there is no water penetration in the area between the gutter and roofline. All shingles should overlap the gutter edge that abuts the cornice.

- Look for cracks in masonry walls. Horizontal and hairline cracks are not a major problem. Vertical cracks, however, are a sure sign of structural damage and the root cause should be determined. All cracks caused by structural settlement should be sealed with an expansion joint of caulk. Wider cracks can be sealed with a cementitious compound. Under no circumstances should a water sealant be applied to masonry. Sealants will trap water inside the masonry and cause major spalling and cracking. Some salesmen and contractors will tell you that their sealant is water permeable. What they actually mean is that water vapor will pass through their product. Water vapor alone does not damage the building fabric. Condensed water vapor in the form of moisture is the real culprit, and will invariably enter the masonry through cracks, rising damp or faulty caulking and flashing and be trapped inside by the sealant. Furthermore, all sealants will fail in time.

- Look for loose mortar and spalling or loose bricks. These problems must be addressed immediately. Spalling bricks indicate moisture penetration, and the location should be identified and repaired. If the mortar is loose and crumbling, repointing is necessary. Be sure the contractor has analyzed the existing mortar to make sure the new mortar is compatible in hardness and color. Under no circumstances should Portland cement be used. Portland cement is generally too hard for softer historic brick and can cause the edges of these bricks to crack.

III. Foundation

The foundation is vulnerable to rising ground water, settlement, and stress overloading. Sure signs of moisture damage are efflorescence, or the appearance of generally white colored minerals on the surface of masonry, spalling masonry, and microcracks. Settlement and overloading will cause the foundation to crack. Again, not all cracks are serious, though their cause should be identified, the crack monitored, and sealed.

Common Problems in the Basement

- Be sure that the wooden sills sit firmly on the masonry foundation. Be sure that the ground level is well below the wooden sills. Settling will cause the foundation to sink into the soil, making the wooden sills vulnerable. Correcting this form of settlement problem falls outside the scope of this pamphlet, but the problem can easily be monitored by the homeowner and referred to professional contractors if a problem is spotted.

- Look for efflorescence on the inside and outside of the foundation wall. Excess moisture moving through the wall deposits salts on the surface. This in itself is not a serious problem aside from its obvious aesthetic lack of appeal, but it could be an indication of a more serious moisture problem, and should be checked by a professional in extreme cases.

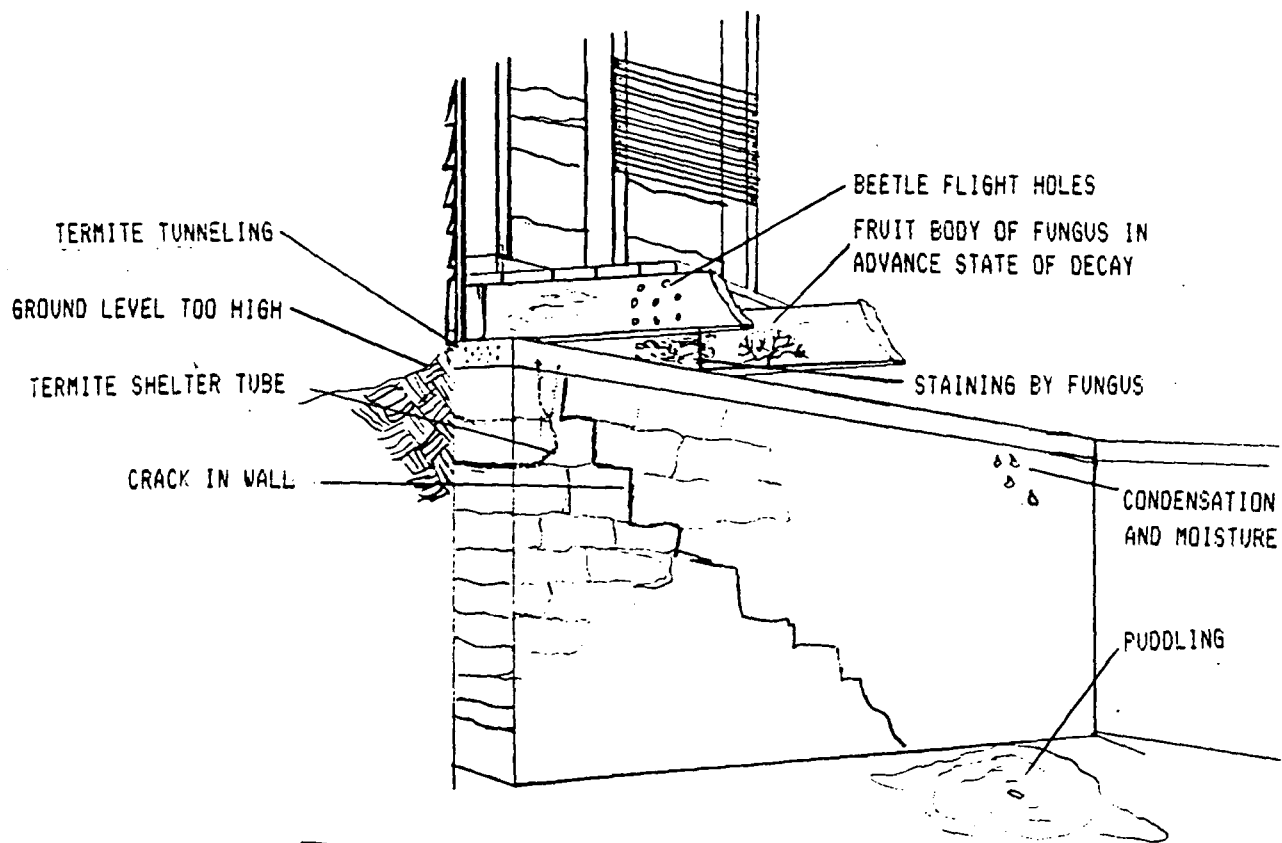
- Check the mortar joints. Be sure they are not loose or crumbling. Most mortar joints will need repointing approximately every fifty years.

- Be sure that water is carried *away* from the building and not *into* the building. Settlement of the house may change the grade of the ground surrounding the building, and the grade should be monitored.

- Make sure that no plant material is touching the house. All plants should be at least one foot away from the house.

- Make sure that the downspouts are clear and splash blocks are positioned directly underneath the drain pipe.

COMMON PROBLEMS IN THE BASEMENT



IV. Windows and doors

Joints around the doors and windows, especially at the top of the frame, are susceptible to water penetration. The window sills and the door thresholds are also vulnerable to water attack.

- Check to make sure the flashing above the windows and doors is in good condition.
- Make sure the window sills and door thresholds shed water away from the house.
- Make sure that all joints are sealed with a good bead of caulk. Also make sure that the joint between the glass, muntins and sash frame are well glazed.

V. Porches

Because porches are not as protected as the house, they will need more attention and maintenance. Also, porches tend to settle differently than the house due to a generally less substantial foundation. This may change the slope of the porch, creating an environment of puddling water or open joints.

- Make sure that wooden steps are not in direct contact with the ground.
- Check all supporting columns of the porch. Make sure they are firmly footed on their foundation. Be sure that wood is not in direct contact with the ground unless it is pressure treated wood. There should be a vapor barrier between the columns and the foundation.
- Make sure the space below the porch is well ventilated. Check to make sure the grade underneath the porch does not puddle water or route water toward the foundation of the house.
- Be sure the joints around the railing and balusters are tightly caulked.
- Make sure that the floor does not puddle water. All cracks in the floor boards should be caulked. Be sure to apply the appropriate type of paint to the floor. Consult your paint store for the best product.
- The end grain of a wooden floor is especially vulnerable to water attack. Make sure the ends of the floorboards are primed and sealed with several coats of primer and paint.
- Make sure the roof is intact and maintained. Follow the guidelines of the roof section.

VI. Paint

Paint is not only a decorative material, it is also the first line of defense against environmental elements. Paint acts as a sacrificial and renewable membrane that protects the house.

Replacing Paint will be your most common and frequent maintenance procedure. On older houses, major repainting will be required every five to eight years. A meticulous and high quality paint job may stretch the life of the paint to ten years. Paint failure is most often caused by poor paint jobs. Don't be fooled by how easy painting looks. It is a tedious job that requires careful preparation. If funds allow, it is recommended that an experienced painter be hired. Paint failure may indicate that the building is failing in other areas. Before a painting campaign begins, make sure that any other maintenance problems are identified and solved.

Types of Paint Failure

Discoloration

Most paint discoloration is caused by dirt, mold, mildew and exposure to sunlight. Dirt itself does not cause the paint to fail. Mold and mildew indicate that the paint surface is exposed to excessive moisture. Mold and mildew must be killed. Scrub the area with a solution of three quarts of water to one quart of chlorine bleach.

Chalking and Streaking

Ultraviolet bombardment will eventually deteriorate the binder and pigments in paint, causing chalking and streaking. This deterioration is irreversible, though it poses no threat to the building.

Blistering

The best way to identify the cause of a blister is to cut it open. If the paint is blistering between the wood and the primer, moisture is the culprit. If there is paint underneath the blister, it is probably a solvent blister. A solvent blister is caused by heat that evaporates the solvent or thinners in the paint film too quickly. This is usually the result of painting in direct sunlight.

Crazing and Cracking

As paint ages, it loses its elasticity. When the paint can no longer expand and contract with the wood, hairline cracks will appear. Crazing is a less severe form of deterioration than cracking.

Alligatoring

Alligatoring is the advanced stage of crazing and cracking. The cracks extend to the wood surface.

Wrinkling

Wrinkling is caused by the poor application of paint, such as applying a second coat over a wet under-coat, applying an excessively thick coat, painting in direct sunlight or on very cold surfaces, and painting a hard finish over a softer surface. When buying paint, make sure to check with the paint dealer for a compatible type and brand. You may even want to bring in a paint chip to help the dealer identify the existing paint type.

Peeling

Peeling is the most common type of paint deterioration. It is usually caused by moisture, painting under adverse conditions, and poor surface preparation. When peeling occurs, the homeowner must be absolutely sure it is not caused by moisture. If peeling occurs near the foundation, the most likely culprit is rising damp. If peeling occurs around the cornice, check to be sure the gutters are cleaned and the flashing is intact. If one side of a house is peeling, the moisture may be coming from inside the house, especially if the area is directly outside the bathroom, kitchen, or laundry room. Finally, a thick impermeable paint build up or an exceptionally tight exterior wall will cause moisture to build up behind the paint, causing it to peel.

Areas of special concern

All flat, horizontal surfaces will need special care. These areas should be touched up every year. Make sure all seams are sealed, end grains are primed with two coats of paint and any peeling paint is scraped off and repainted. Specific areas of concern are wooden porch floors, railings, window sills, and door thresholds, water tables, and wooded steps.

Special care should be taken with lead paint detection and removal. The lead paint inspection and removal process is extremely delicate, potentially harmful, and involves complying with many layers of state bureaucracy. Therefore, deleading falls outside the scope of this pamphlet. The homeowner should, however, make himself aware of the lead paint removal process.

Inspection Checklist - Interior

I. Plaster

Plaster walls are the most common interior problem. Plaster cracks for three reasons: settlement, expansion and contraction of structural members, and the failure of plaster keys (the 'globs' of plaster which form around the backs of the laths during the plastering process and serve to hold the plaster wall in place) by vibration and overloading. Microcracks are nothing to worry about and can easily be patched with normal joint compound. Larger cracks will require taping with fiberglass mesh and spackling compound or a non-shrinking plaster. Very large cracks or fallen plaster will require the skills of a master plasterer.

Types of plaster failure

- Small microcracks are caused by poor application of the brown coat of plaster. If the wood lathe is not wet when the brown coat is applied, the lath will suck the water out of the plaster, causing it to prematurely dry.
- Settlement cracks are usually vertical or diagonal. These cracks can be easily repaired with fiberglass mesh tape and joint compound.
- Cracks caused by thermal expansion and contraction usually occur where the walls intersect each other or the ceiling. These joints can be sealed with an expansion joint of caulk or with fiberglass mesh tape.
- Horizontal cracks usually occur because of the expansion or contraction of the wood lath, or failure of plaster keys. Plaster keys holds the plaster flush against the lath. Plaster key failure will cause the plaster to become detached from the wall or ceiling. This usually happens around stairwells and on ceilings where there is a lot of vibration and stress from pedestrian traffic.

II. Basement or Crawl space

- Make sure the wooden sills on top of the masonry foundation are not rotten or infested with insects. Take a pen knife and splinter the wood. If it makes a good crisp sound, then the wood is in excellent condition. If it makes a dull sound there is water damage or termite infestation.
- Check all joist pockets. Make sure all joists are firmly on the sill. Remember, as wood ages, it tends to shrink.
- Check to see if any of the joists are sagging. If the floor is sagging, consult an experienced contractor. Sagging floor joists can generally easily be shored up, but the process does require a professional contractor. The homeowner's task is to monitor sagging.

- Check the foundation wall for signs of cracking and moisture penetration . If the basement is damp, it is important to make sure the basement is well ventilated. Look for vents between the floor joists.

- If the basement floor is dirt, a vapor barrier may be necessary. A vapor barrier can be created by either installing a cement floor or by using a large sheet of plastic.

III. Bathroom and Kitchen Areas

Both the bathroom and the kitchen have excessive moisture problems. They must be well ventilated, and must have a good coat of paint. Joints between the sinks, shower and bathtub must be well caulked. Make sure that all tiling is well grouted so water cannot enter the tile joints.

IV. Attic

If the roof is water-tight, the attic should be well preserved. When the roof is checked, the attic should also be checked for water penetration. If any water penetration is discovered, determine the cause and fix it immediately. Also, make sure the attic is well ventilated. If the attic is not ventilated, it will act as an oven and literally bake the roofing material. Be sure the soffit vents under the eaves are clear. Homeowners may want to invest in an attic fan that is triggered by a thermostat.

Common Maintenance Procedures

Caulking

Rule: a caulk bead should be one half as deep as it is wide.

Application: There are many types of caulking material out on the market. Make sure to read the labels and choose the correct type.

- All open joints must be prepped and any loose debris must be removed. If an older caulk bead has opened, all of it does not need to be removed. If the old bead is loose, cut it away with a utility knife or pry it out with a blunt instrument such as an old screw driver or a spackle knife.

- Make sure that the surface the caulk adheres to is dry and free of loose paint.

- Check the size of the open joint and cut the tip of the caulking tube to approximately the same size. When caulking many joints, start with the smallest and work to the largest while adjusting the size of the bead by cutting the tip of the tube.

- Once the joint is prepped, apply the caulk in one sweep. Do not use excess caulk. Once the bead has been applied, wet a finger or a damp cloth and smooth it out. The caulk will not adhere to a wet finger, but will soil a dry finger and create a rough bead. Let the caulk dry for at least twenty four hours before painting, regardless of what the caulking tube advises.

- When storing a tube of caulk, make sure there is a tight seal on the end. The best way to do this is to squeeze out a glob of caulk and ball it up at the end.

Painting

Paint preparation is the most time consuming and important task of the overall painting project. A quality paint job depends on good adhesion. All surfaces must be cleaned. If there is mold and mildew growth, a bleach solution must be used. A good solution for the removal of mold and mildew is three quarts of water, one quart of bleach, 2/3 cup of detergent (Spic 'n' Span, or Tide), and 1/2 cup of TSP (trisodium phosphate) or borax.

Evaluate the level of paint deterioration on the house. If there are many layers on the house and severe peeling has occurred, then total removal is recommended. Total removal of paint must be done by an experienced paint contractor. It is extremely time consuming, messy and hazardous.

Partial paint removal

- Mechanically remove all peeling, wrinkling, blistering and alligating paint with the use of a paint scraper. Sound paint should not be removed.

- Sand down rough areas, especially the edges between bare wood and sound paint. Make sure that all wood that has been exposed to the weather is sanded.

- Dust off all debris and dust from sanding with a paint thinner dampened rag before applying primer.

Painting Tips

- All scraped and sanded areas will need to be primed. The ends of all boards should also be primed. Priming the whole house is recommended if significant scraping and sanding has occurred.

- Knots tend to bleed through the paint. Knots can be sealed with a coat of pigmented shellac.

- The last step in the process is the application of the finish coat. The use of a quality brush is essential. A poor quality brush will cause streaking.

- For a polychromatic paint scheme, the body of the house should be painted first. When painting clapboards, it is recommended to paint the bottom edge of the board first and then the surface.

- Paint should be pulled onto the surface, not pushed. Pressing too hard will ruin the brush and cause streaking.

- When using water based paints, the brush should be cleaned with warm water, hot water will scald the brush. A wire brush can be used to gently brush out the paint. If a quality brush is properly taken care of, it will last for many years.

Choosing a Competent Contractor

Like any other profession, there are contractors who love their work and others who are in it strictly for the money. A contractor must love his or her work to do a good job. It is the homeowner's right and responsibility to choose a quality craftsman. When choosing a craftsman there are several things to look for.

Any competent contractor will have a reference list of previous jobs they have done. The following questions can be used as a general guide for checking references:

How recently was the work done?

Is the work holding up?

Was the contractor neat and efficient?

Where did the reference hear about the contractor?

Did the contractor show up on time?

Most craftsmen will show up at the job sight at least fifteen minutes before beginning work each day during the job.

How many times did he leave the sight to get materials and tools?

A good craftsman will come prepared and will seldom leave the site because he forgot something.

Did the craftsman tidy up his work area every day before he left the site?

A good craftsman will not leave a messy site overnight.

In the long run, it is more cost effective to have a more expensive but more competent craftsman do work on a house.

When the homeowner meets the contractor, there are several signs to look for. The most conspicuous sign of a good craftsman is neatness. In a profession where time is literally money, the best way to save time is to have a neat work site and truck. If a contractor pulls up to the house in a dirty truck with paint splattered in the back and drop cloths bunched up instead of folded, send him home. He has no respect for his work or his tools. When the contractor supplies an estimate, he should be questioned in detail about his work. Good questions include asking exactly what he is going to do. Ask about the nature and cause of the problem. Ask him what type of materials he likes to use. A good craftsman will explain why he uses certain brands and not others. Ask him why he uses certain types of tools. The best craftsmen have a reason for everything they do. Open and complete communication is essential. If a craftsman is unwilling to share information about why they are proceeding in a particular manner, they should be avoided. True craftsmen know their work by heart and take great pride in the quality job they do.

If the homeowner finds a contractor they like, the contractor should be referred to neighbors and friends. Further references are always appreciated. In addition, a good craftsman is an excellent resource for names of other quality craftsmen.

Don

AUGUST 6, 1993

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

7:30 P.M.

AUGUST 10, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:35 AUTOMATED AMUSEMENT DEVICES AND POOL TABLE -NAGOG RESTAURANT CORP. d/b/a SCUPPER JACKS' - Enclosed please find application for three additional automated amusement devices as well as a Billiard Table License request for Board action.
2. 7:45 SIDEWALK PRESENTATION - Staff will make a presentation to the Board regarding the final plan for sidewalk installation in front of the library on Main Street.
3. 8:00 WEST ACTON VILLAGE STUDY COMMITTEE - Members of the WAVSC will make a presentation to the Board.
4. 8:30 REPRESENTATIVE PAM RESOR - Discussion of Educational Reform legislation.
5. 9:00 PIZZA HUT - Enclosed please find an application for Change of Officers for Board action.
6. 9:10 UNDERGROUND STORAGE TANKS - SUNOCO, Main Street - Enclosed please find the Application and Permit for Board action.

III. SELECTMEN'S BUSINESS

7. Appointment of Town Accountant
8. Selectmen Policy Discussion - Budget Format - Enclosed please find Policy #1, comment from Selectperson Tavernier, Town Manager, and Finance Committee.

IV. CONSENT AGENDA

9. ACCEPT MINUTES - Enclosed please find minutes from May 11, and June 22, 1993 for Board approval.

10. DONATION - Enclosed please find a request from the Citizen's Library to accept \$1,000.00 for books and related library expenses for Board action.
11. VARNUM TUTTLE FUND - Enclosed please find a request from the Acton Housing Authority for Board action.
12. BETSY BALL FUND - Enclosed please find a request for funds from the Betsy Ball Fund for Board action.
13. APPOINTMENT - Enclosed please find recommendation from VCC for appointment of Marilyn Wolfson to full membership on the Fort Devens Task Force for Board action.
14. APPOINTMENT - Enclosed please find recommendation from VCC for appointment of Kay B. Hartung to the AB Arts Council for a term of two years.
15. HOUSING AUTHORITY - Enclosed please find a request from the Acton Housing Authority for Board support for continued Section 8 funding and letter for Board signature.
16. DONATION - Enclosed please find a request from the Conservation Administrator for acceptance of a gift of bark mulch from Idylwilde Farms for Board action.
17. BONFIRE REQUEST - Enclosed please find a request from A/B Football Boosters for the November 24th event for Board action.
18. GREAT HILL RECREATION AREA - Enclosed please find a memo from staff requesting approval to begin construction of a playing field at the Great Hill Recreation area for the for Board review and action.
19. ANNUAL ACTON CENTER ANTIQUE SHOW - Enclosed please find the application for the 1993 Show for Board action.
20. Modify existing site Plan - 10 Spruce Street - Enclosed please find staff comments and draft amendment for the addition of an enclosure of the automated vehicle carrier at the car wash for board action.

V. TOWN MANAGER'S REPORT

21. Digital Equipment - Piper Road
22. Staffing Levels - Town Hall Departments

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

SEPT. 7 Triple A - Liquor License hearing
 Maple Street Parking

Sept. 21 Ft. Devens Task Force

801 acs



TOWN OF ACTON
MASSACHUSETTS

FOR TOWN USE ONLY

License or Permit Application

8/10/93

①

.....19....

To the Licensing Authorities of Acton:

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto:

CHECK THE APPROPRIATE BOX INDICATING THE LICENSE OR PERMIT FOR WHICH APPLICATION IS BEING MADE:

☐ Auction ☒ Entertainment ☐ Flea Market ☐ One-Day Liquor ☐ One-Day Beer and Wine

(Please print or type)

☐ Other.....

Name of Organization/Applicant..... NAGOG RESTAURANT CORPORATION dba SCUPPER JACK'S

Location of Event..... 3 NAGOG PARK RT 2A ACTON, MA 01720

Name of Owner of Premises..... NAGOG DEVELOPMENT COMPANY

DESCRIPTION OF EVENT (i.e.; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.):

3 AUTOMATIC COIN LICENSES
THIS WILL INCLUDE 2 VIDEO + 1 POOL TABLE LICENSE WHICH IS
ALSO COIN OPERATED.
VENDOR WILL BE SUNSHINE VENDING 257 MAIN ST. ACTON, MA.

Day and Date of Event:..... Hours of Event:.....

DESCRIPTION OF APPLICANT

Name of person making application JOHN E. MENDOSA

Occupation..... RESTAURANT OWNER

Residential Address..... 57 DUCK POND DRIVE BROTON, MA 01450

Business Address..... 3 NAGOG PARK RT 2A ACTON, MA 01720

Telephone: Home..... 508-448-5539 Business..... 508-263-8327

Date of naturalization, if not born in U.S..... Have you ever been arrested for any law violation?..... NO

Male or Female..... MALE If so, when.....

Date of birth..... 7-29-45 where.....

Place of birth..... BROCKTON, MA State briefly.....

Father's name..... FRANK J. MENDOSA

Mother's maiden name..... GAMMONS

Height..... 6 ft. 0 in.

Weight..... 190

Complexion..... FAIR

Hair..... BLACK

Eyes..... BLUE

References: (Names and addresses)

1. MR. ARTHUR BULL GREAT RD LITTLETON, MA

2. MR. KIRK WARE NAGOG PARK ACTON, MA

3. MR. JAY MANNING CROSSROADS CAFE ACTON, MA

Remarks:.....

Signature of Applicant..... John E. Mendosa

8/10/93
(2)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

July 21, 1993

TO: Don P. Johnson, Town Manager

FROM: Dean A. Charter, Municipal Properties Director *DAC*

SUBJECT: Sidewalk on Town Common in front of Memorial Library

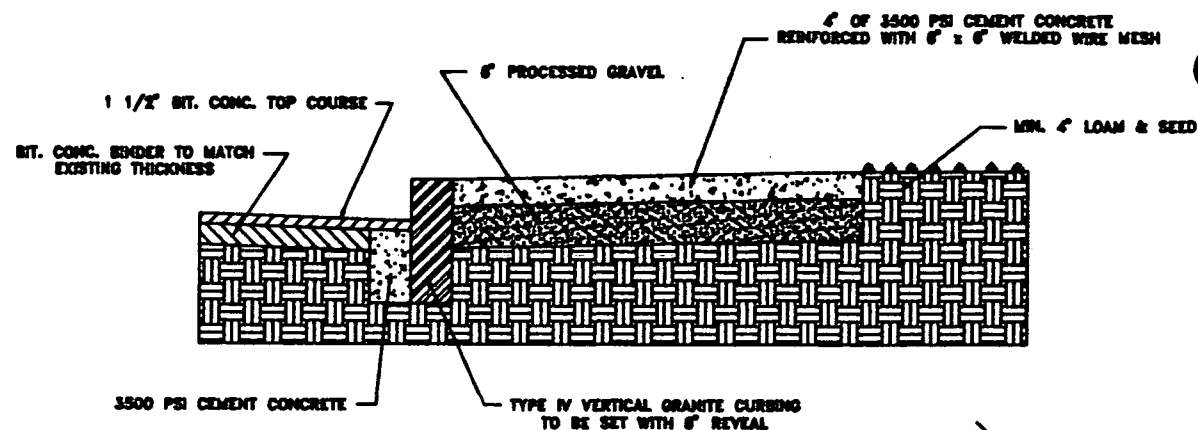
Over the past year there has been a great deal of discussion about the possible reconstruction of the sidewalk in front of the Memorial Library. As part of the planning process, the issue was raised at a Selectmen's meeting last winter, and input sought from the public. The attached plan is an attempt to address as many of the concerns raised as possible, and has been approved by the Memorial Library trustees, and reviewed by the Historic District Commission on July 12. The HDC meeting on July 19 was cancelled due to quorum problems, but I expect to have a favorable opinion at their July 26 meeting. If the Selectmen approve the plan, construction will be in the fall of this year, and all landscaping can be done before winter. The cost of concrete will come from the Municipal Properties budget, and the granite curb was purchased late in Fiscal 1993 using money left over from the favorable prices we got from the oil tank removal at the Memorial Library.

The plan as proposed provides four parallel parking spots along Main Street, which is similar to what exists now. the general consensus is that these four spaces are important in that they provide easy access for Library patrons dropping off books, and for other activities around the Common that create parking demands, such as the Women's Club and the Church. A raised vertical granite curb will be installed, along with a five foot wide concrete sidewalk immediately behind the parking stalls. The old walkway to the front of the Library will be removed, due to it's poor condition, and a new five foot wide concrete sidewalk will be installed where the old bluestone walk was, and will extend across the lawn to the Center Store where there is now a beaten path. The Kiosk will be removed and relocated to the proposed Children's Playground location at the rear of Goward Field. All areas not otherwise treated will be loamed and seeded, creating a wide, level greenspace in front of the Library which will be in keeping with the rest of the Common.

My understanding is that this plan will be discussed at the Selectmen's August 10 meeting. If you wish, I will be happy to attend the meeting to answer any questions so that the project can be done this fall.

attach.

DAC/327



CROSS-SECTION
1' = 1'

NOTE: THE EXISTING WALKWAY FROM MAIN STREET TO THE OLD FRONT DOOR OF THE LIBRARY IS TO BE REMOVED. THIS WALKWAY SHALL BE REPLACED IF FUTURE NEEDS REQUIRE IT.

TOWN HALL

BITUMINOUS DRIVE

CONC. SIDEWALK

MEMORIAL LIBRARY

STONE WALK
(TO BE REMOVED)

PROPOSED 8' WIDE CONC. WALK

EXISTING CONC. WALK

LIAC

TEL. M.H.
(TO BE RAISED TO SIDEWALK ELEVATION)

LIGHT POLE

8' RAD. (TYP.)

X-WALK

RAMP

PRUNE HEMLOCKS AS REQUIRED

PROPOSED 5' WIDE CONC. WALK

DIRT PATH

15' OAK

CONC. CURB
(TO BE REMOVED @ PROPOSED RAMP)

KIOSK
(TO BE RE-INSTALLED @ GRASSY FIELD)

PROPOSED RAMP

STREET

POLE

EDGE OF TRAVELLED WAY

D.Y.C.L. (TYP.)

S.W.E.L. (TYP.)

GRANITE CURB

APPROX. LOCATION OF M.E.T. CABLE


APPROX. LOCATION OF 2" GAS MAIN

SURVEY: D. ABBT D. RING	TOWN OF ACTON ENGINEERING DEPT.	
DESIGN: D. RING	PROPOSED PARKING IMPROVEMENTS AT THE ACTON MEMORIAL LIBRARY	
DRAFTING: D. RING	GENERAL CONSTRUCTION PLAN	
CHECKED: D. ABBT	SCALE: 1" = 10'	DATE: JUNE, 1993

8/10/93 #2

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/4/93

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: Memorial Library Sidewalk Plan

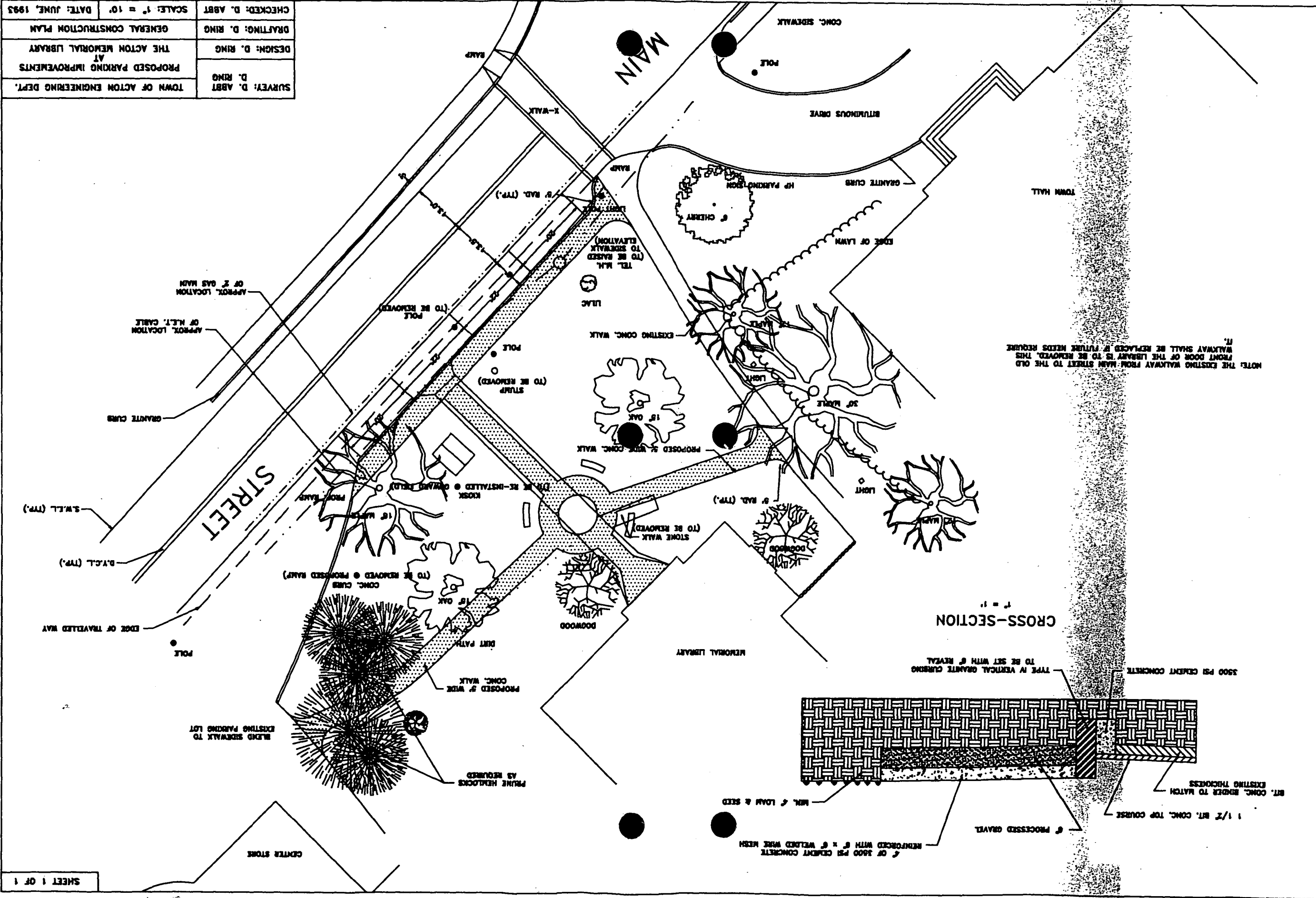
Dean Charter has covered a plan of the proposed sidewalk with a memo indicating that both the Library Trustees and the Historic District Committee have approved the attached plan. In addition, I believe that Don has approved the plan that Dean attached to his memo, but I was not in attendance of any of the conceptual meetings.

Given the disclaimer noted above, I would like to propose an alternative design, which has not been reviewed by any entity. My design differs in two aspects. The first aspect is that it preserves the front walkway to Memorial Library. While currently there is very little usage of the center entrance walkway, I believe the addition of the 4 parking spots on Main St. will cause people to walk across the lawn (because people will tend to take the shortest route and not walk to the entrance located between Town Hall and the Library) if the front walkway is removed.

The second aspect is the circle located the three quarters up the center walkway. I envision the center circle of the circular pathway as a brass plaque in tribute/memorial to some group. The circular pathway being cobblestone or brick with 4 granite benches surrounding the pathway. I believe this design enhances the memorial archway of the library, provides esthetic enhancement to the common, and provides an additional park like facility for the Town.

I believe that the LMI gift for traffic mitigation could be used to offset the construction costs of the parking spaces. Thereby, freeing up some appropriation monies for the center walkway.


TOWN OF ACTON ENGINEERING DEPT.	SURVEY: D. ABBT	DRAWING: D. RING	CHECKED: D. ABBT
	D. RING	D. RING	D. ABBT
	DESIGN: D. RING	DESIGN: D. RING	DESIGN: D. RING
	PROPOSED PARKING IMPROVEMENTS AT THE ACTON MEMORIAL LIBRARY	GENERAL CONSTRUCTION PLAN	SCALE: 1" = 10'
			DATE: JUNE, 1993



8/19/93
③

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/4/93

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: West Acton Village Plan

As you have probably deduced from Donna Jacob's memo of 7/27/93, staff has not completed their review of the plan. It is my intention to have a concise document containing staff comments for your next meeting.

8/10/93 (3)
CHRIS -
PLS RETAIN FOR
TOWN OF ACTON
PLACEMENT ON BOS
AGENDA (IN AUGUST?).

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/4/93

TO: Don P. Johnson, Town Manager
FROM: Donna Jacobs, Assistant Planner *D Jacobs*
SUBJECT: West Acton Village Planning Committee (WAVPC)
Proposed Zoning Amendments

The West Acton Village Planning Committee has been working since January of 1992 to develop a Village Plan for West Acton, a recommendation of the Acton Master Plan. I am please to report that the draft plan is 95% complete and will be distributed for public comment and review by late June.

In advance of the distribution of the draft West Acton Village Plan, the WAVPC would like to submit the proposed zoning bylaw amendments which comprise the "Regulatory Plan" section of the Village Plan. To assist the Board of Selectmen in their review of these amendments, I have provided a plan of West Acton that illustrates the proposed zoning districts as well as the present configuration of the districts.

As drafted, these bylaw amendments begin the implementation of the Village Plan and have been written in the form of Articles to be presented, hopefully, at a Special Town Meeting in November of this year. The WAVPC has kept the Planning Board advised of its progress through monthly reports and period presentations. On June 28th, the WAVPC will present the final draft of the proposed bylaw amendments and the draft Village Plan to the Planning Board. The proposed zoning bylaw amendments have been sent to Town Counsel for his review. This early review process should provide time for any necessary revisions to be made in advance of the public hearing that is tentatively scheduled for mid-September.

The WAVPC and representatives of the Planning Board wish to meet with the Board of Selectmen at their July meeting, if possible, to present the Village Plan and review the proposed zoning bylaw amendments. The Committee hopes that the early submission of the proposed bylaw amendments will provide sufficient time for the Selectmen's review prior to the Committee's anticipated appointment with the Board.

EXTRA INFO. 6/22

NOTE TO BOS -

THIS SHOULD HAVE COVERED THE PACKAGE OF DOCUMENTS HEADED "SECTION 1. REGULATORY PLAN" IN YOUR PACKETS THIS WEEKEND. THESE DOCUMENTS REPRESENT DRAFT ZONING ARTICLES FOR WEST ACTON.

SECTION 1.

REGULATORY PLAN

WEST ACTON VILLAGE DISTRICT

Article 1. Zoning Map

To see if the Town of Acton will vote to amend the Zoning Map as follows:

A. Rezone to Village Residential (VR) the following parcels of land identified by their 1992 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

Map E-2, Parcel 239 (GB)	344 Central St. (portion on east side of Central St.)
Map E-2, Parcel 252 (GB)	355 Central St.
Map F-2A, Parcel 2 (WAV)	311 Central St.
Map F-2A, Parcel 2-1 (GB)	317 Central St.
Map F-2A, Parcel 16 (WAV)	308 Central St.
Map F-2A, Parcel 17 (WAV)	68 Spruce St.
Map F-2A, Parcel 18 (R2)	51 Spruce St.
Map F-2A, Parcel 19 (WAV)	50 Spruce St.
Map F-2A, Parcel 20 (R2)	215 Arlington St.
Map F-2A, Parcel 23 (WAV)	44 Spruce St.
Map F-2A, Parcel 24 (WAV)	42 Spruce St.
Map F-2A, Parcel 25 (R2)	37 Spruce St.
Map F-2A, Parcel 27 (WAV)	309 Central St.
Map F-2A, Parcel 28 (WAV)	40 Spruce St.
Map F-2A, Parcel 29-10 (R2)	226 Arlington St.
Map F-2A, Parcel 32 (WAV)	307 Central St.
Map F-2A, Parcel 33 (R2)	33 Spruce St.
Map F-2A, Parcel 34 (R2)	221 Arlington St.
Map F-2A, Parcel 35 (R2)	217 Arlington St.
Map F-2A, Parcel 36 (WAV)	302 Central St.
Map F-2A, Parcel 37 (WAV)	305 Central St.
Map F-2A, Parcel 38 (WAV)	305 Central (beside)
Map F-2A, Parcel 39 (WAV)	34 Spruce St.
Map F-2A, Parcel 42 (WAV)	303 Central St.
Map F-2A, Parcel 43 (WAV)	303 Central St. (rear)
Map F-2A, Parcel 44 (R2)	239 Arlington St.
Map F-2A, Parcel 45 (R2)	235 Arlington St.
Map F-2A, Parcel 46 (R2)	227 Arlington St.
Map F-2A, Parcel 49 (WAV)	298 Central St.
Map F-2A, Parcel 50 (WAV)	301 Central St.
Map F-2A, Parcel 52 (WAV)	30 Spruce St.
Map F-2A, Parcel 53 (R2)	220 Arlington St.
Map F-2A, Parcel 56 (WAV)	294 Central St.
Map F-2A, Parcel 57 (WAV)	296 Arlington St.

Map F-2A, Parcel 58 (WAV)	299 Central St.
Map F-2A, Parcel 59 (WAV)	299 Central St. (rear)
Map F-2A, Parcel 64 (WAV)	292 Central St.
Map F-2A, Parcel 70 (WAV)	232 Arlington St.
Map F-2A, Parcel 71 (WAV)	230 Arlington St.
Map F-2A, Parcel 77 (R2)	603 Massachusetts Ave.
Map F-2A, Parcel 84 (R2)	285 Arlington St.
Map F-2A, Parcel 85 (R2)	612 Massachusetts Ave.
Map F-2A, Parcel 96 (R2)	608 Massachusetts Ave.
Map F-2A, Parcel 99 (R2)	276 Arlington St.
Map F-2A, Parcel 103 (WAV)	531 Massachusetts Ave.
Map F-2A, Parcel 104 (WAV)	525 Massachusetts Ave.
Map F-2A, Parcel 108 (R2)	278 Arlington St.
Map F-2A, Parcel 114 (WAV)	537 Massachusetts Ave.
Map F-2A, Parcel 115 (R2)	284 Arlington St.
Map F-2A, Parcel 127 (R2)	264 Central St.
Map F-2A, Parcel 132 (R2)	550 Massachusetts Ave.
Map F-2A, Parcel 133 (R2)	544 Massachusetts Ave.
Map F-2A, Parcel 134 (R2)	17 Windsor Ave.
Map F-2A, Parcel 135 (R2)	18-20 Windsor Ave.
Map F-2A, Parcel 136 (R2)	5 Kinsley Road
Map F-2A, Parcel 137 (R2)	542 Massachusetts Ave.
Map F-2A, Parcel 139 (R2)	536 Massachusetts Ave.
Map F-2A, Parcel 140 (R2)	530 Massachusetts Ave.
Map F-2B, Parcel 1 (R2)	258 Central St.
Map F-2B, Parcel 2 (R2)	257 Central St.
Map F-2B, Parcel 3 (R2)	25 Windsor Ave.
Map F-2B, Parcel 4 (R2)	24 Windsor Ave.
Map F-2B, Parcel 5 (R2)	520 Massachusetts Ave.
Map F-2B, Parcel 6 (R2)	516 Massachusetts Ave.
Map F-2B, Parcel 7 (R2)	9 Church St.
Map F-2B, Parcel 8 (R2)	7 Church St.
Map F-2B, Parcel 9 (R2)	5 Church St.
Map F-2B, Parcel 10 (R2)	250 Central St.
Map F-2B, Parcel 11 (R2)	253 Central St.
Map F-2B, Parcel 12 (R2)	29 Windsor Ave.
Map F-2B, Parcel 13 (R2)	30 Windsor Ave.
Map F-2B, Parcel 14 (R2)	9 Kinsley Rd.
Map F-2B, Parcel 15 (R2)	540 Massachusetts Ave.
Map F-2B, Parcel 16 (R2)	11 Church St.
Map F-2B, Parcel 17 (R2)	12 Church St.
Map F-2B, Parcel 18 (R2)	8 Church St.
Map F-2B, Parcel 19 (R2)	248 Central St.
Map F-2B, Parcel 20 (R2)	249 Central St.
Map F-2B, Parcel 21 (R2)	33 Windsor Ave.
Map F-2B, Parcel 22 (R2)	35 Windsor Ave.
Map F-2B, Parcel 24 (R2)	15 Church St.
Map F-2B, Parcel 25 (R2)	14 Church St.
Map F-2B, Parcel 26 (R2)	244 Central St.
Map F-2B, Parcel 27 (R2)	43 Windsor Ave.
Map F-2B, Parcel 28 (R2)	38 Windsor Ave.

Map F-2B, Parcel 29 (R2)	42 Windsor Ave.
Map F-2B, Parcel 30 (R2)	15 Kinsley Rd.
Map F-2B, Parcel 31-1 (R2)	6 Kinsley Rd
Map F-2B, Parcel 31-2 (R2)	8 Kinsley Rd.
Map F-2B, Parcel 31-10 (R2)	514 Massachusetts Ave.
Map F-2B, Parcel 33 (R2)	242 Central St.
Map F-2B, Parcel 34 (R2)	241 Central St.
Map F-2B, Parcel 35 (R2)	49 Windsor Ave.
Map F-2B, Parcel 36 (R2)	46 Windsor Ave.
Map F-2B, Parcel 38 (R2)	237 Central St.
Map F-2B, Parcel 39 (R2)	53 Windsor Ave.
Map F-2B, Parcel 40 (R2)	48 Windsor Ave.
Map F-2B, Parcel 43 (R2)	233 Central St.
Map F-2B, Parcel 44 (R2)	57 Windsor Ave.
Map F-2B, Parcel 45 (R2)	56 Windsor Ave.
Map F-2B, Parcel 49 (LB)	13 Willow St.
Map F-2B, Parcel 50 (R2)	224 Central St.
Map F-2B, Parcel 51 (R2)	221 Central St.
Map F-2B, Parcel 52 (R2)	59 Windsor Ave.
Map F-2B, Parcel 53 (R2)	62 Windsor Ave.
Map F-2B, Parcel 59 (R2)	220 Central St.
Map F-2B, Parcel 60 (R2)	217 Central St.
Map F-2B, Parcel 61 (R2)	63 Windsor Ave.
Map F-2B, Parcel 64 (R2)	28 Willow St.
Map F-2B, Parcel 65 (R2)	214 Central St.
Map F-2B, Parcel 67 (R2)	211 Central St.
Map F-2B, Parcel 69 (R2)	69 Windsor Ave.
Map F-2B, Parcel 75 (R2)	30 Willow St.
Map F-2B, Parcel 76 (R2)	206 Central St.
Map F-2B, Parcel 78 (R2)	207 Central St.
Map F-2B, Parcel 79 (R2)	75 Windsor Ave.
Map F-2B, Parcel 87 (R2)	68 Windsor Ave.
Map F-2B, Parcel 87-1 (R2)	66 Windsor Ave.

B. Zoning Map. Rezone to Residence 2 (R2) the following parcel of land identified by the 1992 Town of Acton Atlas Map and Parcel numbers:

Map F-2B, Parcel 32 (LB) 5 Willow St. (rear)

C. Zoning Map. Rezone to West Acton Village (WAV) the following parcels of land identified by their 1992 Town of Acton Atlas Map and Parcel numbers:

Map F-2A, Parcel 69 (R2)	267 Arlington St.
Map F-2A, Parcel 100 (R2)	596 Massachusetts Ave.
Map F-2A, Parcel 101 (R2)	592 Massachusetts Ave.
Map F-2A, Parcel 116 (R2)	274 Central St.
Map F-2A, Parcel 119 (R2)	270 Central St.
Map F-2B, Parcel 37 (LB)	236 Central St.
Map F-2B, Parcel 41 (R2)	5 Willow St.

Summary

This article proposes to focus the business center of West Acton Village into a business core district that encompasses the present business center, but eliminates the "legs" of the present West Acton Village District (WAV) through a redelineation and reduction of the present zoning district. Although the size of the WAV District will be reduced, in Article 2 the floor area ratio is proposed to be increased in the WAV District to provide for potential expansion of business uses in West Acton Village.

In addition, the article proposes the creation of a new zoning district entitled "Village Residential" to recognize the village homes adjacent to the business center and to serve as a "transition area between the business center of West Acton Village District and the surrounding Residence 2 neighborhoods. The Village Residential District will allow a combination of residential and small-scale business uses, some as a matter of right and others by special permit. In addition, it will help achieve many goals of the Village Plan; preservation and adaptive reuse of historical large traditional village homes through conversion from single family use to multi-family use, accommodation of cottage industries, and provision of a pool of consumers in close proximity to the business center.

ARTICLE 2. USE AND DIMENSIONAL REGULATIONS IN THE WAV DISTRICTS

To see if the Town of Acton will vote to amend the Zoning Bylaw, Section 3, Table of Principal Uses, as follows:

A. In the WAV column, amend the Table of Principal Uses as follows:

- Change 3.2.3, earth removal, from SPA to N;
- Change 3.3.2, single family dwelling with apartment, to delete footnote (3);
- Change 3.3.3, dwelling conversions, from SPA to Y;
- Change 3.3.4, multifamily dwellings, from N to Y;
- Change 3.5.6, combined business and dwelling, from SPS to Y;
- Change 3.5.9, veterinary care, from N to SPS;
- Change 3.5.15, commercial recreation, from N to SPS;
- Change 3.5.17, amusement facility, from N to SPS;
- Change 3.5.18, motor vehicle service station, from SPS to N;
- Change 3.5.19, motor vehicle repair or body shop, from Y to SPS;
- Change 3.6.2, mini-warehouse, from SPS to N;
- Change 3.6.6, light manufacturing, from N to SPS.

B. Amend Section 3.5.5 as stated below

After "(NAV)" add the following. ", West Acton Village (WAV)"

Summary

This article proposes to adjust the uses permitted in the West Acton Village District to be more

in keeping with the village character and environment. If part A. of this article is adopted, four land uses not presently permitted in the WAV District will be permitted. These land uses include veterinary care, commercial recreation, multi-family dwellings, and amusement facilities. Two land uses; combined business and dwelling, and dwelling conversions, have been proposed to be allowed "by right" which now require a special permit. In addition, the uses have been shifted between "by right" and by special permit to more accurately review those uses that may be likely to impact the village environment. The uses entitled earth removal, motor vehicle service stations and mini-warehouses are proposed to be eliminated because they are not compatible with the village scale and environment.

If part B of this article is adopted by vote of Town Meeting, hotels, motels, inns and bed and breakfast establishments will be limited to five (5) guest rooms as they are presently in the other village districts.

ARTICLE 3. SPECIAL PROVISIONS FOR WEST ACTON VILLAGE DISTRICT

To see if the Town of Acton will vote to amend the Zoning Bylaw as follows:

A. Amend the WAV column, Section 5.5.2, to read as follows:

3.5.1	Retail Store	5,000
3.5.2	Office	5,000
3.5.3	Financial	5,000
3.5.4	Restaurant	5,000
3.5.7	Lodge or Club	5,000
3.5.9	Veterinary Care	3,000
3.5.11	Personal Service	3,000
3.5.12	General Service	3,000
3.5.13	Studio	3,000
3.5.14	Building Trade	5,000
3.5.15	Commercial Recreation	5,000
3.5.17	Amusement Facility	5,000
3.6.6	Light Manufacturing	5,000

B. Amend Section 5.5, Special Provisions for Village Districts, as follows:

Add new section 5.5.1.1 as follows:

5.5.1.1 In the West Acton Village District, the orientation, setback, alignment, spacing, and placement of a BUILDING or STRUCTURE on a LOT shall be carefully considered to ensure the harmonious relationship of the BUILDING or STRUCTURE with the village character and environment.

and,

Add new section 5.5.5 as follows:

5.5.5 Horizontal Emphasis - In the West Acton Village District, BUILDINGS shall be of vertical appearance; therefore, the minimum height of BUILDINGS shall be twenty feet (20').

C. Amend the WAV line in the Table of Standard Dimensional Requirements as follows:

Zoning Districts	Minimum Lot Area In Sq.Ft.	Minimum Frontage Frontage in Feet	Minimum Lot Width in Feet	Minimum Front Yard in Feet	Minimum Side & Rear Yard in Feet	Minimum Open Space in Percent	Maximum Floor Area Ratio	Maximum Height in Feet
WAV	NR	NR	NR	5 (10)	NR (1)	NR	.40 (11)	36

and add new footnotes (10) and (11) as stated below:

- (10) The maximum front yard shall be 10 feet, or the lesser of the front yards of the two buildings on either side of the proposed use, but in no case less than 5'.
- (11) The FAR may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above FAR of .40 an equal amount of residential NET FLOOR AREA is provided simultaneously.

Summary

This article proposes to amend Section 5 of the Acton Zoning Bylaw, Dimensional Regulations, to maintain and enhance the village character and environment of West Acton Village. Part A limits the size of the business land uses to keep them at a "village scale". In Part B, the village character and environment is maintained and enhanced by addressing the orientation and minimum height of buildings on a lot. Part C modifies the Table of Standard Dimensional Regulations to establish a maximum and minimum front yard setback, to eliminate the side and rear setbacks, and to increase the floor area ratio to provide expansion potential for business uses.

VILLAGE RESIDENTIAL DISTRICT

ARTICLE 4. VILLAGE RESIDENTIAL DISTRICT

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

A. In Section 2.1, insert the following new zoning district classification under the heading "Residential Districts":

Village Residential VR

- B. In the Zoning Bylaw, Section 3. - Table of PRINCIPAL USES, add the following new column:

PRINCIPAL USES	RESIDENTIAL DISTRICTS
	VR
3.2 GENERAL USES	
3.2.1 Agriculture	Y
3.2.2 Conservation	Y
3.2.3 Earth Removal	N
3.2.4 Recreation	SPS
3.3 RESIDENTIAL USES	
3.3.1 Single Family Dwelling	Y
3.3.2 Single Family Dwelling with Apartment	Y
3.3.3 Dwelling Conversions	Y
3.3.4 Multifamily	Y (7)
3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES	
3.4.1 Municipal	Y
3.4.2 Educational	Y
3.4.3 Religious	Y
3.4.4 Nursing Home	SPS
3.4.5 Public or Private Utility Facilities	N
3.4.6 Child Care Facility	Y
3.5 BUSINESS USE	
3.5.1 Retail Store	Y(8)
3.5.2 Business or Professional Office	Y(8)
3.5.3 Financial	Y(8)
3.5.4 Restaurant	SPS(8)
3.5.5 Hotel, Inn or Motel	SPS
3.5.6 Combined Business and Dwelling	Y(8)
3.5.7 Lodge or Club	N
3.5.8 Funeral Home	N
3.5.9 Veterinary Care	SPS(8)
3.5.10 Commercial Kennel	N
3.5.11 Personal Services	Y(8)
3.5.12 General Services	Y(8)
3.5.13 Studio	Y(8)
3.5.14 Building Trade Shop	N
3.5.15 Commercial Recreation	N
3.5.16 Commercial and Trade School	N
3.5.17 Amusement Facility	N
3.5.18 Motor Vehicle Service Station or Car Wash	N

3.5.19	Motor Vehicle Repair or Body Shop	N
3.5.20	Light Vehicular and Equipment Sales	N
3.5.21	Parking Facility	N

3.6 INDUSTRIAL USES

3.6.1	Warehouse	N
3.6.2	Mini-Warehouse	N
3.6.3	Construction Yard	N
3.6.4	Lumber Yard	N
3.6.5	Heating Fuel Sales and Service	N
3.6.6	Light Manufacturing	N

3.7 PROHIBITED USES

3.7.1	Heavy Manufacturing	N
3.7.2	Storage	N
3.7.3	Amusement	N
3.7.4	General	N
3.7.5	Heavy Vehicular Sales or Repair Garages	N

C. Add the following new footnotes to the Table of PRINCIPAL USES:

- (7) Not more than four (4) DWELLING UNITS shall be permitted per multi-family dwelling.
- (8) Only if property is owner-occupied and the non-residential use is limited to 500 square feet of NET FLOOR AREA (NFA).

D. Add the following line to the Table of Standard Dimensional Regulations:

ZONING DISTRICTS	MINIMUM LOT AREA IN SQ. FT.	MINIMUM LOT FRONTAGE IN FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT YARD IN FEET	MINIMUM SIDE & REAR YARD IN FEET	MINIMUM OPEN SPACE IN %	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT IN FEET
VR	15,000	50	NR	10	10	20%	NR	36

Summary

This article establishes the uses permitted and the dimensional regulations for lots in the Village Residential District. In the majority, the uses permitted are fairly consistent with the uses permitted in the other residential zoning districts. However, the significant differences are that multifamily dwellings are permitted (up to 4 families), and certain business uses are permitted subject to a limitation of 500 sq. ft. of net floor area provided the residence is owner-occupied.

ARTICLE 5 WEST ACTON VILLAGE PARKING

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

- A. Amend Section 6.2 - General Provisions, to replace the words "provided in Section 6.4" with the new words "provided in Section 6.9".**
- B. Delete Section 6.4 - Exception in Village Districts, and renumber the remaining Sections 6.5, 6.6, 6.7, 6.8, and 6.9 to become Sections 6.4, 6.5, 6.6, 6.7, and 6.8 respectively.**
- C. In Section 6.5 - Loading Areas (renumbered as Section 6.4), add the following sentence at the end of the section:**

"In the WAV District, this Section may be waived, in part or in whole, if the Building Commissioner or the Special Permit Granting Authority finds that physical constraints or site configurations preclude strict compliance. "
- D. Amend the first paragraph of Section 6.8 (renumbered as Section 6.7) by adding the words "Parking lots in the WAV District, and", after "except".**
- E. Amend Section 6.9 - Structured Parking (renumbered as Section 6.8) by adding the following phrase at the beginning of the first sentence:**

"Except in the WAV District, "
- F. Add new Section 6.9 - Special Provisions for Parking Lots and STRUCTURES In Village Districts, as follows:**

6.9 Special Provisions for Parking In the WAV District

- 6.9.1 In the SAV, NAV and EAV Districts, the Board of Selectmen may authorize by Special Permit an off-street parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies within the same Village District as the BUILDING it is intended to serve.**
- 6.9.2 Except as otherwise provided herein, no BUILDING or STRUCTURE shall be located upon any LOT in the WAV District and no activity shall be conducted upon any LOT in the WAV District unless off-STREET parking is provided in accordance with the following requirements:**
 - 6.9.2.1 Connection of Parking - In the WAV District, all parking lots and STRUCTURES shall be connected by common driveway to the parking lots or STRUCTURES of adjacent USES and to adjacent land in the WAV District**

or provisions for such a future connection shall be made except where present physical constraints or present site configuration, non-cooperation by abutting owners or land vacancy preclude strict compliance.

- 6.9.2.2 **Number of Parking Spaces** - In the WAV District, parking spaces shall be provided as required in Section 6.3.1, except that the requirements shall be discounted by 30%.
- 6.9.2.3 **Collective Use of Parking Lots and STRUCTURES** - In the WAV District, off-STREET parking lots and STRUCTURES that are used collectively or jointly by different BUILDINGS or USES on different LOTS shall be permitted subject to the following provisions: a written agreement shall be filed with and made part of the application for a building or occupancy permit(s) assuring the continued collective use, ACCESS and maintenance of the common parking facility. Said agreement shall be executed and approved as to form and duration by all parties concerned.
- 6.9.2.4 **WAV District Parking Lot Design Requirements** - Any off-street parking lot or loading area located in the WAV District and Village Residential District, except parking lots serving a single or two family residential USE, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements.
 - 6.9.2.4 a) Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.2.5.
 - 6.9.2.4 b) ACCESS Driveways - Not more than one ACCESS driveway for two-way traffic from a STREET to a parking lot or STRUCTURE shall be permitted. An additional ACCESS driveway from a STREET may be permitted provided that the ACCESS driveways are limited to one-way traffic. The ACCESS driveway for two-way traffic shall not exceed 20 feet in width at its intersection with the lot line, and the ACCESS driveway for one-way traffic shall not exceed 14 feet in width at its intersection with the lot line. There shall be no more than two (2) ACCESS driveways for any parking lot or parking STRUCTURE.
 - 6.9.2.4 c) Interior Driveways - Interior driveways shall be at least 20 feet wide for two-way traffic and 14 feet wide for one-way traffic.
 - 6.9.2.4 d) Set-Backs - All parking spaces and paved surfaces shall be set back a minimum of 5 feet from property lines, except that a parking lot established in compliance with Section 6.9.3 may extend to and over the boundary lines of the LOTS it serves.
- 6.9.2.5 **Landscaping of Parking Lots in the WAV District** - Parking lots shall include a landscaped area equal to a minimum of 5% of the area of the parking lot.
 - 6.9.2.5 a) Landscaping Design Plan - A landscaping design plan shall be submitted at the time of application for special permit or building permit. The following information shall be shown on the landscaping design plan

to determine compliance with the Bylaw: materials to be utilized; location and spacing of existing and proposed plant materials; size and height of all plant materials at the time of installation; proposed treatment of all ground surfaces; irrigation or watering plans, if any; and other such information as may assist in determining compliance with the Bylaw.

- 6.9.2.5 b) Shade trees - In addition, one shade tree shall be provided for every 2,000 square foot of paved surface. Each shade tree shall: be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least medium height (30' to 45') at maturity; be ten (10) feet in height with a trunk caliper size of at least two (2) inches at the time of planting; and be surrounded by a landscaped area of 200 sq. ft. to accommodate the root system of the tree. No IMPERVIOUS COVER shall be placed within the projected dripline of the shade trees at maturity. Additional landscaping may be required by the Building Commissioner or the Special Permit Granting Authority to screen the parking lot because of its location in relation to adjacent uses.
- 6.9.2.5 c) Perimeter Planting Strip - Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least 12" or through the use of curb stops or bollards, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of the parking lot and adjacent ways of at least 2.5 feet in height. This physical separation may be created through the use of plantings, walls, or fencing other than chain link or smooth concrete or a combination of plantings and fencing. No more than 20% of this perimeter landscape strip shall be IMPERVIOUS COVER.
- 6.9.2.5 d) Plantings - Landscaped area plantings shall include a mixture of flowering decorative evergreen and deciduous trees and shrubs and shall be planted with suitable ground cover.
- 6.9.2.5 e) Sight Distance - All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- 6.9.2.5 f) Protection of Landscaped Areas - Landscaped areas shall be planted in such a manner that the plantings will not be damaged by vehicles.

Summary

This article amends the Section 6 of the Zoning Bylaw, Parking Standards, to establish special provisions for parking in the WAV District to recognize the unique features of the village environment such as on-street parking, multitask vehicle trips, and the relationship between pedestrian traffic and vehicular traffic. In addition, it encourages businesses to share parking resources by providing for the collective use of parking lots and structures. It also encourages the connection of parking lots to provide off-street circulation and reduce vehicle conflicts.

ARTICLE 6 HOUSEKEEPING

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

Change the reference in Section 3.9.2 from 6.8 to 6.7;
Change the reference in Section 6.1.1 from 6.8.2 to 6.7.2;
Change the reference in Section 6.8.5 from 6.8.7 to 6.7.7;
Change the reference in Section 9A.7.5 from 6.8 to 6.7;
Change the reference in Section 10.4.4.1.c) from 6.8 to 6.7;

Summary

This article is a housekeeping article to modify the cross-references because of the amendments contained within Article 1-5 inclusive.

ARTICLE 7 SITE PLAN SPECIAL PERMIT IN VILLAGE DISTRICTS

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

A. Delete Section 10.4.1 and replace with new sections 10.4.1, 10.4.1.1, and 10.4.1.2 as follows:

10.4.1 Applicability - A Site Plan Special Permit shall be required as follows:

10.4.1.1 In the WAV District, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of Principal Uses as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of Principal Uses, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of Principal Uses is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

10.4.1.2 In all other zoning districts, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of Principal Uses as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 1200 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of Principal Uses is expanded in ground area by 1200 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

C. Add new section 10.4.3.9 as follows:

10.4.3.9 Special Provisions Applicable to the West Acton Village District - In the West Acton Village District, the design and placement of BUILDINGS, STRUCTURES and other site improvements shall be carefully considered to ensure the retention and enhancement of the village character and environment. Proposed BUILDINGS and STRUCTURES shall be related harmoniously to the terrain and to the scale and architecture of existing BUILDINGS in the village that have functional or visual relationship to the proposed BUILDINGS or STRUCTURES. Proposed BUILDINGS and STRUCTURES shall be compatible with their surroundings with respect to: height; street facade; rhythm of solid surfaces and openings; spacing of BUILDINGS or STRUCTURES; materials, textures, and color; roof slopes; and scale. To minimize the impact of mechanical equipment on the West Acton Village environment and character, window air-conditioning units, condenser elements, and heating units shall not be located on the front facades.


Summary

This article will amend the Site Plan Special Permit provisions to change the threshold for site plan review from gross floor area to net floor area so that it is consistent with the other sections of the bylaw. Because of the distinctive features of village scale and environment, it will amend the bylaw to require site plan special permits for development proposals on lots within the WAV District for alterations, additions and new construction of 500 sq. ft or more rather than the 1200 sq. ft. threshold presently in effect. In addition, it adds a special provision to regulate the development of a site in the WAV District to ensure retention of village character and environment.

8/10/93 #4

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/4/93

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: FY 1994 Cherry Sheets

Attached are copies of the FY94 and FY93 Cherry Sheets (Town A-B Regional, and Minuteman), with a comparison to the previous year's amounts. In FY93 the Town received \$1,718,014 in Cherry Sheet receipts and \$292,382 in Chapter 90 monies for a total of \$2,010,396. In FY94, Chapter 90 monies have been eliminated. Therefore, the reported \$144,509 increase is a falsehood if one compares total State Aid between the years. In reality we, the Town will receive \$147,837 less in "Total State Aid" (Chap 90 and Cherry Sheet) for FY94.

Compounding the problem for the municipal side of the house is Education Reform (earmarking and maintenance of effort) and the fact that the municipal side has used the Chapter 90 monies exclusively as the majority of road surface repair monies. Consequently, the non-funding of Chapter 90 may require Don to re-evaluate the departmental allocations.

* **FISCAL 1994 CHERRY SHEET AID ANALYSIS**
ACTON

8/10/93

#4

ESTIMATED RECEIPTS

LINE NUM	PROGRAM DESCRIPTION	FY93 CHERRY SHEET	FY94 CHERRY SHEET	DIFFERENCE
A 1	Chapter 70			
	Resolution Aid, Ch70	481,047		
	Equal Educ Opportunity			
	Per Pupil Education Aid	180,000		
	New Education Aid, FY94		88,438	
	Total Chapter 70	661,047	749,485	88,438
A 2	School Transportation Prgms			
	School Transportation	141,636	159,783	18,147
	Reg School Transportation			
A 3	School Construction	52,927	52,927	
A 4	Retired Teachers' Pensions			
A 5	Racial Equality			
	Racial Imbalance			
	Magnet Education			
	Equal Educ Improvement			
A 6	School Lunch	7,796	7,634	-162
B 1	Additional Assistance	37,368	37,368	
B 2	Highway Fund	134,939	136,181	1,242
B 3	Lottery	604,239	604,239	
B 4	Local Share of Racing Taxes			
B 5	Regional Public Library			
B 6	Police Career Incentive			
B 7	Urban Renewal Projects			
	Fed Aid Urban Renewal			
	Non Fed Urban Renewal			
	Urban Revitalization			
B 8	Veterans' Benefits	6,600	843	-5,757
B 9	Exemptions:			
	Veterans	7,237	7,187	-50
	Blind Persons		438	438
	Surviving Spouses	1,225	1,225	
B 10	Elderly Exemptions	12,366	13,000	634
B 11	State Owned Land	36,940	38,149	1,209
B 12	Municipal Stabilization Aid		39,923	39,923
B 13	Public Libraries	13,694	14,141	447
C	TOTAL ESTIMATED RECEIPTS	1,718,014	1,862,523	144,509

Fy94



ASSESSMENT OF ESTIMATED RECEIPTS
TO BE USED IN DETERMINING THE TAX LEVY

General Laws, Chap. 58, Sect. 25A, and Chap. 59, Sect. 23

Compliments of
Representative Pam Resor
Acton, Concord & Concord
ACTON
Municipality

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70.	\$ 749,485
2. School Transportation Programs Chs. 71, 71A, 71B and 74.	159,783
3. School Construction 1948, Ch. 645; 1976, Ch. 511	52,927
4. Retired Teachers' Pensions Ch. 32, s. 20 (2) (c).	

Offset Items - Reserve for Direct Expenditure:

5. Racial Equality Chs. 76, s. 12A, 71, ss. 37 I,J.	\$ 7,634
6. School Lunch Ch. 871	

Sub-Total, All Education Items. \$ 969,829

B. GENERAL GOVERNMENT:

Distributions and Reimbursements:

1. Lottery, Beano & Charity Games Ch. 29, s. 2D.	\$ 604,239
2. Additional Assistance.	37,368
3. Highway Fund Ch. 81, s. 31; 1980, Ch. 577, s. 8.	136,181
4. Local Share of Racing Taxes 1981, Ch. 558.	
5. Regional Public Libraries Ch. 78, s. 19C.	
6. Police Career Incentive Ch. 41, s. 108L.	
7. Urban Renewal Projects Ch. 121.	
8. Veterans' Benefits Ch. 115, s. 6.	843
9. Exemptions: Vets, Blind & Surv. Spouse Ch. 59.	8,850
10. Exemptions: Elderly Ch. 59, s. 5, Cl. 41, 41B or 41C.	13,000
11. State Owned Land Ch. 58, ss. 13-17B	38,149
12. Municipal Stabilization Aid.	\$ 39,923

Offset Item - Reserve for Direct Expenditure:

13. Public Libraries Ch. 78, s. 19A.	\$ 14,141
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Sub-Total, All General Government. \$ 892,694

C. TOTAL ESTIMATED RECEIPTS FISCAL 1994. \$ 1,862,523

NOTICE TO ASSESSORS OF ESTIMATED CHARGES
TO BE USED IN DETERMINING THE TAX LEVY

*Compliments of
Representative Pam Resor
Acton, Carlisle & Concord*

GENERAL LAWS, CHAPTER 59, SECTION 21. ACTON
Municipality

The following State and County Assessments, as estimated, and the underestimates from the prior year, must be used by the Assessors in determining the "Total Amount to be Raised by Taxation." Overestimates from the prior year must be listed by the Assessors as "Estimated Receipts - State."

	Column 1 Estimates to be raised	Column 2 PRIOR YEAR Underestimates to be raised	Column 3 PRIOR YEAR Overestimates to be Used as Estimated Receipts - State
A. County Assessment, County Tax Ch. 35, s. 31. . . .	\$ 40,117	\$	\$
B. STATE ASSESSMENTS AND CHARGES:			
1. Supervision of Retirement Systems Ch. 32, s. 21. . . .	\$	\$	\$
2. Motor Vehicle Excises 1962, Ch. 727.			
3. Retired Employees Health Insurance Ch. 32A.			
4. Retired Teachers Health Insurance Ch. 32A.			
5. Mosquito Control Projects Ch. 252.			
6. Air Pollution Districts Ch. 676.	4,280		
7. Metropolitan Area Planning Council Ch. 40B, 476	3,799		
8. Old Colony Planning Council Ch. 332			
9. RMV Non-Renewal Surcharge, Ch. 90; Ch. 60A		420	
Total, State Assessments	\$ 8,079	\$ 420	\$
C. TRANSPORTATION AUTHORITIES:			
1. MBTA Chs. 161A, 825	\$	\$	\$
2. Boston Met. Trans. Dist. 1929, Ch. 383; 1954, Ch. 535			
3. Reg'l Trans. Auth's Ch. 161B, ss. 9-10; 1973, Ch. 1141	16,213		
Sub-Total, Transportation Assessments	\$ 16,213	\$	\$
D. ANNUAL CHARGES AGAINST RECEIPTS:			
1. Multi-Year Repayment Programs	\$	\$	\$
2. Spec. Educ. Ch. 71B, ss. 10, 12	2,559		3,346
3. Energy Conservation 1983, Ch. 700			
4. STRAP Repayments Ch. 637			
Sub-Total, Charges against Receipts	\$ 2,559	\$	\$ 3,346
E. TOTAL ESTIMATED CHARGES, FISCAL 1994	\$ 66,968	\$ 420	\$ 3,346

F. NET CHARGES, FISCAL 1994. (Column 1 + Column 2 - Column 3) \$ 64,042

MASSACHUSETTS DEPARTMENT OF REVENUE

DIVISION OF LOCAL SERVICES

FY93 CHERRY SHEET REVISION - AUGUST 1992

TOWN OF ACTON

FORM CS 1-ER ESTIMATED RECEIPTS

Line	New Programs	New Estimate August 1992		
B3A	Per Pupil Education Aid (Offset)	180,000		
C11	State Owned Land	36,940		
Line	Revised Programs	Original Estimate June 1992	Revised Estimate August 1992	Change
C6	Highway Fund	133,728	134,939	1,211
C7	Lottery	561,997	604,239	42,242
Revised Sub-Totals and Totals				
B	Sub-Tot, Education Offset Items	7,796	187,796	180,000
B	Sub-Tot, All Education Items	202,359	382,359	180,000
C	Sub-Tot, Non-Offset Items	723,153	803,546	80,393
C	Sub-Tot, All General Government	736,847	817,240	80,393
D	TOTAL ESTIMATED RECEIPTS, FY93	1,457,621	1,718,014	260,393

FORM CS 1-EC ESTIMATED ASSESSMENTS

Line	Revised Programs	Original Estimate June 1992	Revised Estimate August 1992	Change
A	County Assessment, County Tax	48,619	42,941	-5,678
Revised Sub-Totals and Totals				
	Total Estimated Charges, FY93	78,695	73,017	-5,678
	Net Charges, FY93	85,157	79,479	-5,678

FISCAL 1993 CHERRY SHEET AID ANALYSIS

ACTON

ESTIMATED RECEIPTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	School Aid, Chapter 70	481,047	481,047	
A 2	Additional Assistance	37,368	37,368	
B 1	Racial Equality			
B 1A	Racial Imbalance			
B 1B	Magnet Education			
B 1C	Equal Educ Improvement			
B 2	Lunch Programs			
B 2A	School Lunch	7,613	7,796	183
B 2B	Elderly Lunch			
B 3	Equal Ed Opportunity			
B 4	School Trans Programs			
B 4A	School Trans Programs	131,103	141,636	10,533
B 4B	Trans of Pupils			
B 5	School Construction	52,927	52,927	
B 6	Retired Teachers Pensions			
C 1	Public Libraries	13,675	13,694	19
C 2	Regional Public Libraries			
3	Police Career Incentive			
4	Urban Renewal Projects			
C 4A	Fed Aid Urban Renewal			
C 4B	Non Fed Urban Renewal			
C 4C	Urban Revitalization			
C 5	Veterans' Benefits	7,060	6,600	-460
C 6	Highway Fund	246,849	133,728	-113,121
C 7	Lottery	561,997	561,997	
C 8	Local Share of Racing Taxes			
C 9	Exemptions:			
C 9A	Veterans	7,201	7,237	36
C 9B	Blind Persons	175		-175
C 9C	Surviving Spouses	1,225	1,225	
C 10	Elderly Exemptions	11,136	12,366	1,230
D	TOTAL ESTIMATED RECEIPTS	1,559,376	1,457,621	-101,755

ACTON

ESTIMATED ASSESSMENTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	County Tax	41,894	48,619	6,725
B 1	Superv. Retirement Syst			
B 2	Motor Vehicles Excise			
B 3	Retirees Health Insurance			
B 4	Retired Teachers Hlth Ins			
B 5	Mosquito Control			
B 6	Air Pollution Control	4,353	4,470	117
B 7	Metro Area Planning Cncl	3,555	3,706	151
B 8	Old Colony Planning Cncl			
B 9	Parking Surcharges			
C 1	MBTA			
C 2	Boston Metro Dist Exp			
C 3	RTA	15,432	15,818	386
D 1	Multi Year Repayments			
D 2	Special Education		6,082	6,082
D 3	Energy Conservation			
D 4	STRAP Repayments			
E	TOTAL ESTIMATED CHARGES	65,234	78,695	13,461

Net Cherry Sheet Aid

	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
Total Estimated Receipts	1,559,376	1,457,621	-101,755
Total Estimated Charges	65,234	78,695	13,461
NET RECEIPTS	1,494,142	1,378,926	-115,216

ACTON

ESTIMATED ASSESSMENTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	County Tax	41,894	48,619	6,725
B 1	Superv. Retirement Syst			
B 2	Motor Vehicles Excise			
B 3	Retirees Health Insurance			
B 4	Retired Teachers Hlth Ins			
B 5	Mosquito Control			
B 6	Air Pollution Control	4,353	4,470	117
B 7	Metro Area Planning Cncl	3,555	3,706	151
B 8	Old Colony Planning Cncl			
B 9	Parking Surcharges			
C 1	MBTA			
C 2	Boston Metro Dist Exp			
C 3	RTA	15,432	15,818	386
D 1	Multi Year Repayments			
D 2	Special Education		6,082	6,082
D 3	Energy Conservation			
D 4	STRAP Repayments			
E	TOTAL ESTIMATED CHARGES	65,234	78,695	13,461

Net Cherry Sheet Aid

	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
Total Estimated Receipts	1,559,376	1,457,621	-101,755
Total Estimated Charges	65,234	78,695	13,461
NET RECEIPTS	1,494,142	1,378,926	-115,216



NOTICE TO ASSESSORS OF ESTIMATED RECEIPTS
TO BE USED IN DETERMINING THE TAX LEVY

General Laws, Chap. 58, Sect. 25A, and Chap. 59, Sect. 23

ACTON
Municipality

A. RESOLUTION AID:

1. School Aid Ch. 70	\$	481,047
2. Additional Assistance		37,368
Sub-Total, Resolution Aid	\$	518,415

B. EDUCATION:**OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:**

1. Racial Equality Chs. 76, s. 12A; 71, ss. 37 I,J	\$	
2. Lunch Programs Chs. 871; 15, s. 1L; 753		7,796
3. Equal Education Opportunity Ch. 70A		
Sub-Total, Offset Items	\$	7,796

REIMBURSEMENTS:

4. School Transportation Programs Chs. 71, 71A, 71B and 74	\$	141,636
5. School Construction 1948, Ch. 645; 1976, Ch. 511		52,927
6. Retired Teachers' Pensions Ch. 32, s. 20 (2) (c)		
Sub-Total, Reimbursement Items	\$	194,563
Sub-Total, All Education Items	\$	202,359

C. GENERAL GOVERNMENT:**OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:**

1. Public Libraries Ch. 78, s. 19A	\$	13,694
Sub-Total, Offset Items	\$	13,694

REIMBURSEMENTS AND DISTRIBUTIONS:

2. Regional Public Libraries Ch. 78, s. 19C	\$	
3. Police Career Incentive Ch. 41, s. 108L		
4. Urban Renewal Projects Ch. 121		
5. Veterans' Benefits Ch. 115, s. 6		6,600
6. Highway Fund Ch. 81, s. 31; 1980, Ch. 577, s. 8		133,728
7. Lottery, Beano & Charity Games Ch. 29, s. 2D		561,997
8. Local Share of Racing Taxes 1981, Ch. 558		
9. Exemptions: Vets, Blind & Surv. Spouse Ch. 59		8,462
10. Exemptions: Elderly Ch. 59, s. 5, Cl. 41, 41B or 41C		12,366
Sub-Total, Non-Offset Items	\$	723,153
Sub-Total, All General Government	\$	736,847

D. TOTAL ESTIMATED RECEIPTS, FISCAL 1993	\$	1,457,621
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NOTICE TO ASSESSORS OF ESTIMATED CHARGES
TO BE USED IN DETERMINING THE TAX LEVY

GENERAL LAWS, CHAPTER 59, SECTION 21

ACTION
Municipally

The following State and County Assessments, as estimated, and the underestimates from the prior year, <u>must</u> be used by the Assessors in determining the "Total Amount to be Raised by Taxation." Overestimates from the prior year <u>must</u> be listed by the Assessors as "Estimated Receipts - State."			
	Column 1 Estimates to be raised	Column 2 PRIOR YEAR Underestimates to be raised	Column 3 PRIOR YEAR Overestimates to be Used as Estimated Receipts - State
A. County Assessment, County Tax Ch. 35, s. 31.	\$ 48,619	\$	\$
B. STATE ASSESSMENTS AND CHARGES:			
1. Supervision of Retirement Systems Ch. 32, s. 21.	\$	\$	\$
2. Motor Vehicle Excises 1962, Ch. 727.			
3. Retired Employees Health Insurance Ch. 32A.			
4. Retired Teachers Health Insurance Ch. 32A.			
5. Mosquito Control Projects Ch. 252.			
6. Air Pollution Districts Ch. 676.	4,470		
7. Metropolitan Area Planning Council Ch. 40B, 476.	3,706		
8. Old Colony Planning Council Ch. 332.			
9. Parking Surcharge, Ch. 90.		380	
Sub-Total, State Assessments	\$ 8,176	\$ 380	\$
C. TRANSPORTATION AUTHORITIES:			
1. MBTA Chs. 161A, 825.	\$	\$	\$
2. Boston Met. Trans. Dist. 1929, Ch. 383; 1954, Ch. 535.			
3. Reg'l Trans. Auth's Ch. 161B, ss. 9-10; 1973, Ch. 1141.	15,818		
Sub-Total, Transportation Assessments	\$ 15,818	\$	\$
D. ANNUAL CHARGES AGAINST RECEIPTS:			
1. Multi-Year Repayment Programs	\$	\$	\$
2. Spec. Educ. Ch. 71B, ss. 10, 12.	6,082	6,082	
3. Energy Conservation 1983, Ch. 700.			
4. STRAP Repayments Ch. 637.			
Sub-Total, Charges against Receipts	\$ 6,082	\$ 6,082	\$
E. TOTAL ESTIMATED CHARGES, FISCAL 1993	\$ 78,695	\$ 6,462	\$

ET CHARGES, FISCAL 1993. (Column 1 + Column 2 - Column 3) \$ 85,157

FISCAL 1994 CHERRY SHEET AID ANALYSIS

ACTON BOXBOROUGH

ESTIMATED RECEIPTS

LINE NUM	PROGRAM DESCRIPTION	FY93 CHERRY SHEET	FY94 CHERRY SHEET	DIFFERENCE
A 1	Chapter 70			
	Resolution Aid, Ch70	732,675		
	Regional School Dist Aid	814,347		
	Equal Educ Opportunity			
	Per Pupil Education Aid	172,200		
	New Education Aid, FY94		93,670	93,670
	Total Chapter 70	1,719,222	1,812,892	93,670
A 2	School Transportation	52,606	70,377	17,771
A 3	School Construction	293,598	293,598	
A 4	Regional School Trans	355,344	377,734	22,390
A 5	Racial Equality			
A 6	School Lunch	7,237	6,064	-1,173
	TOTAL ESTIMATED RECEIPTS	2,428,007	2,560,665	132,658

ESTIMATED CHARGES

A 7A Energy Conservation

B	TOTAL RECEIPTS NET OF ESTIMATED CHARGES	2,428,007	2,560,665	132,658
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NOTICE TO REGIONAL SCHOOL DISTRICTS
OF ESTIMATED RECEIPTS



General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

of School District ACTON BOXBOROUGH

Member Cities and Towns ACTON, BOXBOROUGH

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70	\$	1,812,892
2. School Transportation Programs Chs. 71, 71A, 71B and 74.		70,377
3. School Construction 1948, Ch. 645; 1976, Ch. 511.		293,598
4. Regional School Transportation Ch. 71, s. 16C.		377,734

Offset Items - Reserve for Direct Expenditure:

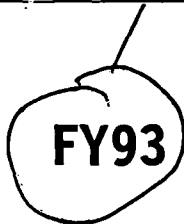
5. Racial Equality Ch. 76, s. 12A.	\$	
6. School Lunch Ch. 871		6,064

Total Estimated Receipts Fiscal 1994.	\$	2,560,665
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Estimated Charges:

7A. Energy Conservation Programs Repayment 1987, Ch. 584.	\$	
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B. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1994.	\$	2,560,665
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MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

FY93 CHERRY SHEET REVISION - AUGUST 1992

ACTON BOXBOROUGH

FORM CS 2-ER
ESTIMATED RECEIPTS

Line	New Programs	New Estimate August 1992
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B3A	Per Pupil Education Aid (Offset)	172,200
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Line	Revised Programs	Original Estimate June 1992	Revised Estimate August 1992	Change
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Revised Sub-Totals and Totals

B	Sub-Tot, Education Offset Items	7,237	179,437	172,200
B	Sub-Tot, All Education Items	708,785	880,985	172,200

Per Pupil

B	TOTAL ESTIMATED RECEIPTS, FY93	2,255,807	2,428,007	172,200
C	TOTAL RECEIPTS, NET OF CHARGES	2,255,807	2,428,007	172,200

FISCAL 1993 CHERRY SHEET AID ANALYSIS

ACTON BOXBOROUGH

ESTIMATED RECEIPTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	School Aid, Chapter 70	732,675	732,675	
A 2	Regional School Dist Aid	814,347	814,347	
B 1	Racial Equality			
B 2	Lunch Programs			
B 2a	School Lunch	7,130	7,237	107
B 2b	Elderly Lunch			
B 3	Equal Ed Opportunity			
B 4	School Transportation	53,184	52,606	-578
B 5	School Construction	293,598	293,598	
B 6	Transportation of Pupils	302,503	355,344	52,841
TOTAL ESTIMATED RECEIPTS		2,203,437	2,255,807	52,370

ESTIMATED CHARGES

B 7a Energy Conservation

TOTAL RECEIPTS NET OF CHARGES	2,203,437	2,255,807	52,370
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General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

Name of School ACTON BOXBOROUGH

Member Cities and Towns ACTON, BOXBOROUGH

A. RESOLUTION AID:

1. School Aid Ch. 70	\$	732,675
2. Regional School District Aid Ch. 71, s. 16D		814,347
Sub-Total, Resolution Aid	\$	1,547,022

B. EDUCATION:

OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:

1. Racial Equality Ch. 76, s. 12A	\$	
2. Lunch Programs Chs. 871; 15, s. 1L; 753		7,237
3. Equal Education Opportunity, Ch. 70A		
Sub-Total, Offset Items	\$	7,237

REIMBURSEMENTS:

4. School Transportation Programs Chs. 71, 71A, 71B and 74	\$	52,606
5. School Construction 1948, Ch. 645; 1976, Ch. 511		293,598
6. Transportation of Pupils Ch. 71, s. 16c		355,344
Sub-Total, Reimbursement Items	\$	701,548
Sub-Total, All Education Items	\$	708,785
TOTAL ESTIMATED RECEIPTS, FISCAL 1993	\$	2,255,807

ESTIMATED CHARGES:

7A. Energy Conservation Programs Repayment 1987, Ch. 584	\$	
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C. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1993	\$	2,255,807
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FISCAL 1994 CHERRY SHEET AID ANALYSIS*Compliments of
Representative Pam Resor
Acton, Carlisle & Concord***MINUTEMAN****ESTIMATED RECEIPTS**

LINE NUM	PROGRAM DESCRIPTION	FY93 CHERRY SHEET	FY94 CHERRY SHEET	DIFFERENCE
A 1	Chapter 70			
	Resolution Aid, Ch70	1,573,199		
	Regional School Dist Aid	414,535		
	Equal Educ Opportunity			
	Per Pupil Education Aid	70,300		
	New Education Aid, FY94		34,169	34,169
	Total Chapter 70	2,058,034	2,092,203	34,169
A 2	School Transportation	6,425		-6,425
A 3	School Construction			
A 4	Regional School Trans	529,732	509,780	-19,952
A 5	Racial Equality			
A 6	School Lunch	2,049	1,581	-468
	TOTAL ESTIMATED RECEIPTS	2,596,240	2,603,564	7,324

ESTIMATED CHARGES

A 7A Energy Conservation

B	TOTAL RECEIPTS NET OF ESTIMATED CHARGES	2,596,240	2,603,564	7,324
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NOTICE TO REGIONAL SCHOOL DISTRICTS
OF ESTIMATED RECEIPTS

*Compliments of
Representative Pam Resor
Acton, Carlisle & Concord*

General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

e of School District MINUTEMAN

Member Cities and Towns ACTON, ARLINGTON, BELMONT, BOLTON, BOXBOROUGH,
CARLISLE, CONCORD, DOVER, LANCASTER, LEXINGTON, LINCOLN, NEEDHAM, STOW,
SUDBURY, WAYLAND, WESTON

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70	\$	2,092,203
2. School Transportation Programs Chs. 71, 71A, 71B and 74.		
3. School Construction 1948, Ch. 645; 1976, Ch. 511.		
4. Regional School Transportation Ch. 71, s. 16C.		509,780

Offset Items - Reserve for Direct Expenditure:

5. Racial Equality Ch. 76, s. 12A.	\$	
6. School Lunch Ch. 871		1,581

Total Estimated Receipts Fiscal 1994.	\$	2,603,564
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Estimated Charges:

7A. Energy Conservation Programs Repayment 1987, Ch. 584.	\$	
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B. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES <u>FISCAL 1994.</u> ...	\$	2,603,564
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MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

FY93 CHERRY SHEET REVISION - AUGUST 1992

MINUTEMAN

FORM CS 2-ER
ESTIMATED RECEIPTS

Line	New Programs	New Estimate August 1992		
B3A Per Pupil Education Aid (Offset)		70,300		
Line	Revised Programs	Original Estimate June 1992	Revised Estimate August 1992	Change
Revised Sub-Totals and Totals				
B	Sub-Tot, Education Offset Items	2,049	72,349	70,300
B	Sub-Tot, All Education Items	538,206	608,506	70,300
B	TOTAL ESTIMATED RECEIPTS, FY93	2,525,940	2,596,240	70,300
C	TOTAL RECEIPTS, NET OF CHARGES	2,525,940	2,596,240	70,300

FISCAL 1993 CHERRY SHEET AID ANALYSIS

MINUTEMAN

STIMATED RECEIPTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	School Aid, Chapter 70	1,573,199	1,573,199	
A 2	Regional School Dist Aid	414,535	414,535	
B 1	Racial Equality			
B 2	Lunch Programs			
B 2a	School Lunch	2,169	2,049	-120
B 2b	Elderly Lunch			
B 3	Equal Ed Opportunity			
B 4	School Transportation		6,425	6,425
B 5	School Construction			
B 6	Transportation of Pupils	582,585	529,732	-52,853
TOTAL ESTIMATED RECEIPTS		2,572,488	2,525,940	-46,548

ESTIMATED CHARGES

3 7a Energy Conservation

TOTAL RECEIPTS NET OF CHARGES	2,572,488	2,525,940	-46,548
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General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

Name of School MINUTEMANMember Cities and Towns ACTON, ARLINGTON, BELMONT, BOLTON, BOXBOROUGH,
CARLISLE, CONCORD, DOVER, LANCASTER, LEXINGTON, LINCOLN, NEEDHAM, STOW**A. RESOLUTION AID:**

1. School Aid Ch. 70	\$	1,573,199
2. Regional School District Aid Ch. 71, s. 16D		414,535
Sub-Total, Resolution Aid	\$	1,987,734

B. EDUCATION:**OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:**

1. Racial Equality Ch. 76, s. 12A	\$	
2. Lunch Programs Chs. 871; 15, s. 1L; 753		2,049
3. Equal Education Opportunity, Ch. 70A		
Sub-Total, Offset Items.	\$	2,049

REIMBURSEMENTS:

4. School Transportation Programs Chs. 71, 71A, 71B and 74.	\$	6,425
5. School Construction 1948, Ch. 645; 1976, Ch. 511.		
6. Transportation of Pupils Ch. 71, s. 16c		529,732
Sub-Total, Reimbursement Items	\$	536,157
Sub-Total, All Education Items	\$	538,206
TOTAL ESTIMATED RECEIPTS, FISCAL 1993	\$	2,525,940

ESTIMATED CHARGES:

7A. Energy Conservation Programs Repayment 1987, Ch. 584	\$	
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C. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1993.	\$	2,525,940
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MUNICIPAL DATA MANAGEMENT AND TECHNICAL ASSISTANCE BUREAU

THE FY94 MUNICIPAL CHERRY SHEETS: AN ANALYSIS

8/10/93

#4

The enclosed Cherry Sheet Analysis reflects the changes between your municipality's Cherry Sheet for FY93 and the Cherry Sheet for FY94. In reviewing your Cherry Sheet and other material in this packet you should be aware of the following points:

I. CHERRY SHEET RECEIPTS (Form C.S. 1-ER)

1. The Impact of Education Reform on the Cherry Sheet

* Line A-1 of the Cherry Sheet indicates the amount of Chapter 70 Aid you will receive in FY94. This line includes the combined amount of a municipality's FY93 allocations of Chapter 70 Aid, Equal Education Opportunity Grant Aid, and Per Pupil Aid, plus new education aid allocated for FY94 as stipulated by the Education Reform Act.

A detailed discussion of how this aid was calculated, and other issues of importance to local government finance contained in the Education Reform Act, is included in this packet and titled, "Impact of the Education Reform Act on Municipal Finance".

2. Municipal Stabilization Aid

The FY94 State Budget creates a new Cherry Sheet program called Municipal Stabilization Aid. This program is shown as Line B-12 on the Cherry Sheet and is funded with an appropriation of \$20 million. The appropriation is allocated to all cities and towns according to the Lottery formula based on equalized valuation per capita and population.

3. Police Career Incentive

The state budget appropriates \$13.7 million to fully fund this program (Line B-6) for FY94. This reflects an increase of \$7 million over the original FY93 level. The FY93 appropriation of \$6.7 million was increased to \$11.2 million through a supplemental budget appropriation of \$4.5 million.

II. CHERRY SHEET PROGRAMS DELETED

The following programs that appeared on the FY93 Cherry Sheet (Form C.S. 1-ER) have been deleted from the FY94 Cherry Sheet because they are consolidated by the enactment of Education Reform into Chapter 70 Aid (Line A-1):

Equal Education Opportunity (Line B-3 in FY93)
Per Pupil Aid (Line B-3a in FY93)

In FY93, Line B-2 was titled "Lunch Programs" because both Elderly and School lunch programs were shown on this line. The title has been changed to "School Lunch" in FY94 (Line A-6) because Elderly Lunch funds are no longer distributed through the Cherry Sheet.

I. CHERRY SHEET CHARGES (Form C.S. 1-EC)

1. RMV (Registry of Motor Vehicles) Non-Renewal Surcharge (formerly Parking Surcharge)

* Line B-9 of the Cherry Sheet has been retitled RMV Non-Renewal Surcharge. The change has been made because it now includes two charges levied against municipalities by the Registry of Motor Vehicles. Formerly, this line only reflected charges for the costs incurred by the Registry in "marking" licenses and registrations of vehicle owners for nonpayment of local parking fines. While it will continue to reflect these charges, it will now include charges levied against municipalities by the Registry for costs incurred in "marking" licenses and registrations of vehicle owners delinquent in paying motor vehicle excise taxes. This service is performed by the Registry at the request of a municipality.

It should be noted that the Registry began marking registrations and licenses due to unpaid motor vehicle excise taxes, on January 21, 1992. In addition, an increase from \$10 to \$20 in the "marking" charge levied by the Registry against municipalities became effective July 1, 1992. Due to the basis upon which annual Cherry Sheet underestimates are calculated, the full impact of these increases will not become apparent until the FY95 Cherry Sheets are issued.

IV. 1992 EQUALIZED VALUATIONS (EQV)

FY94 Cherry Sheet receipt and assessment program allocations that use Equalized Valuation (EQV) reflect 1992 Equalized Valuations. Chapter 58, Section 10C of the General Laws requires the Commissioner of Revenue to recalculate the EQV of all municipalities in every even numbered year.

Please note that an increase or decrease in a municipality's Cherry Sheet estimate for a program that relies on EQV may reflect a change in the municipality's EQV relative to the EQV's of other municipalities.

In FY94, Cherry Sheet receipt programs that use EQV are as follows:

- o Components of the Chapter 70 Aid formula adopted in the Education Reform Act utilize EQV as a factor;
- o Public Libraries' Municipal Equalization Grants use the Lottery formula, which is based on EQV per capita and population, to allocate the balance of funds remaining after the Library Incentive Grant formula allocation is determined;
- o State Owned Land allocations are based upon FY85 appraisals, updated using the most recent EQVs available; and
- o Municipal Stabilization Aid is allocated using the Lottery formula based on EQV per capita and population.

In FY94, Cherry Sheet charge programs that use EQV are as follows:

- o The County Tax is assessed to municipalities according to each municipality's EQV as a share of the total county EQV.
- o Mosquito Control Projects and Air Pollution District assessments are allocated using formulas that include EQV as a component.
- o The Boston Metropolitan District bases its assessments to the original 14 MBTA municipalities on a formula using each municipalities EQV as a share of total district wide EQV.

MUNICIPAL DATA MANAGEMENT AND TECHNICAL ASSISTANCE BUREAU
IMPACT OF THE EDUCATION REFORM ACT ON MUNICIPAL FINANCE

The following presentation is intended to provide a general overview of the finance provisions of the Education Reform Act, Chapter 71 of the Acts of 1993. On July 13, 1993, the Department of Education (DOE) distributed a memorandum to school superintendents, school committee chairs and municipal chief executives providing preliminary district by district data on the financial impacts of the Education Reform Act.

Revised data and guidelines will be issued by DOE as necessary. In addition, DOE will be holding workshops for school and municipal officials on the financial and non-financial provisions of Education Reform. The dates and locations are as follows:

<u>Date</u>	<u>Time</u>	<u>Location</u>
Aug. 11	8:30 a.m. to 1:00 p.m.	Westfield State College
*Aug. 12	8:30 a.m. to 1:00 p.m.	Mass. Bay College, Wellesley
Aug. 16	8:30 a.m. to 1:00 p.m.	Plymouth South High School
Aug. 19	8:30 a.m. to 1:00 p.m.	Fitchburg State College

Staff will attend one

The Department of Education asks that if you plan to attend, you register by calling DOE at (617) 388-3300 x 211.

***FOUNDATION BUDGET**

The finance section of the Education Reform Act establishes an annual spending target, the Foundation Budget, for each school district in the Commonwealth. The Act states that each district's annual spending target is to be financed in part by a "minimum required local contribution", the amount of local funds appropriated for school purposes. The Act intends for the difference between the district's foundation budget and this minimum required local contribution to be financed with state education aid.

Each district's allocation of state education aid and its minimum required local contribution is calculated by a formula described in Chapter 71 of the Acts of 1993. The formula takes into account each district's current total school spending in relation to the district's foundation budget as established by the Act, and its current local effort in comparison to a statewide standard of local effort.

*** MINIMUM REQUIRED LOCAL CONTRIBUTION**

Each year, a district will be notified by DOE of its minimum required local contribution for the upcoming fiscal year. The minimum required local contribution is the sum of the preliminary local contribution and the standard of local effort contribution, if applicable.

Preliminary Local Contribution

A district's preliminary local contribution is calculated by increasing its local contribution -- prior year total school spending less school transportation expenditures, school lunch expenditures, long term debt service expenditures, teachers' summer pay deferral, capital outlay, state education aid and federal impact aid -- by a municipal revenue growth factor. The local contribution is derived from the End-of-Year report submitted annually to the Department of Education by each school district. The municipal revenue growth factor measures the percentage increase from one year to the next in property taxes and certain categories of local receipts and state aid.

Standard of Local Effort Contribution

If a district's local effort is less than the statewide standard of effort, the district may be required to increase its local school spending by a percentage of the gap between its local effort and the statewide standard. Local effort is calculated by taking the ratio of the district's local contribution to its equalized valuation, adjusted by the ratio of its per capita income to the statewide average per capita income. The statewide standard of effort of \$9.40 per thousand dollars of adjusted equalized value is established by Chapter 71 of the Acts of 1993.

The following chart will assist districts in understanding the calculation of their minimum required local contribution.

Local School Spending Requirements

STANDARD OF EFFORT

		ABOVE	BELOW
F O U N D A T I O N	ABOVE	REDUCE TO STANDARD OF EFFORT	INCREASE LOCAL CONTRIBUTION BY MUNICIPAL REVENUE GROWTH FACTOR
	BELOW	LEVEL-FUND AT FY93 LOCAL CONTRIBUTION	INCREASE LOCAL CONTRIBUTION BY MUNICIPAL REVENUE GROWTH FACTOR PLUS NEW LOCAL EFFORT

****** It should be noted that the Governor has submitted an amendment to the Education Reform Act that would eliminate the requirement for those districts below the standard of local effort, yet whose total spending is above the foundation spending requirement, to increase its local contribution by the municipal revenue growth factor. We will closely monitor the progress of this proposed amendment and any other actions taken to further define education reform.

STATE EDUCATION AID

Line A-1 of the Municipal and Regional Cherry Sheets indicates the amount of Chapter 70 Aid a district will receive in FY94. It includes the combined FY93 amounts of Chapter 70 Aid (and FY93 Regional School District Aid in the case of regional school districts), Equal Education Opportunity Grant Aid, and Per Pupil Aid, plus one or more of the following components of aid stipulated by the education reform bill: new regional school district aid, foundation aid, equity aid, overburden aid, minimum aid, and school choice reimbursement aid.

Combined FY93 Education Aid - The amounts received by each municipality and school district in FY93 from the Equal Education Opportunity Grant, Per Pupil Aid, and Regional District Aid programs are consolidated with FY93 Chapter 70 School Aid. The combined total becomes a base to which new FY94 education reform aid is added.

In FY93 twenty-six municipalities that were fully-regionalized and therefore did not operate as local school districts received Chapter 70. In FY94, these municipalities' Chapter 70 amounts were transferred to the regional school districts to which they belong.

New Regional School District Aid - Certain regional districts will receive new aid that, when combined with the FY93 level of Regional School District Aid, will equal 76 percent of the districts FY93 Regional School District Aid entitlement.

Foundation Aid - A Foundation Budget based on enrollment, the demographics of the student population and local costs is calculated for each district. It serves as the spending target for each district and, although it varies by district, approximates a statewide average level of spending of \$5,500 per pupil. Current total local spending below the Foundation and the Standard of Local Effort results in the allocation of Foundation Aid to fill the gap.

Equity Aid - If a district's local effort is greater than the statewide Standard of Local Effort, the district may receive Equity Aid. Equity aid is designed to equalize local contributions across districts.

Overburden Aid - For those districts which are required to make new local effort, yet are deemed poor based on a comparison of their equalized valuation per pupil compared to the statewide average, the requirement to make new local effort will be reduced or eliminated. The amount reduced will be supplanted with Overburden Aid.

Note that in any year in which a district's municipality receives an increase in lottery or additional assistance, 75 percent of the increase in these two Cherry Sheet accounts would be available to offset overburden aid. The FY94 Cherry Sheets do not contain increases in these accounts for any municipality.

Minimum Aid - If, in FY94, the amount of Foundation Aid a district receives is not equal to \$50 per pupil, the district will receive minimum aid that will result in a total increase of \$50 per pupil. In future years, the guarantee will be \$25 per pupil.

* **School Choice Reimbursement Aid** - If a municipality, or any regional district of which it is a member, is spending below the Foundation budget, and the municipality participated in the school choice program in FY93 as a sending

district, it and its regional school district(s) will receive school choice reimbursement aid. The amount of aid received will be a share of the municipality's gross FY93 school choice liability allocated among the municipality and the region(s) on the basis of enrollment.

LOCAL APPROPRIATION OF STATE EDUCATION AID AND MINIMUM REQUIRED LOCAL CONTRIBUTIONS

Despite the fact that FY94 Chapter 70 includes amounts provided in FY93 that could be expended without appropriation (i.e., Equal Education Opportunity Grant aid and Per Pupil Education aid), all FY94 Chapter 70 aid and minimum required local contributions must be appropriated at town meeting.

Municipalities that are members of regional school districts need to be aware that they may be required to provide all or part of their minimum required local contribution to the region. The Department of Education will notify those municipalities that fall into this category.

SCHOOL CHOICE

Section 61 of the Education Reform Act makes significant changes in the School Choice Program. Changes to the program are summarized below.

School Choice Tuition - Beginning in FY94, if a student resides in a municipality that belongs to a regional school district and that student chooses to attend another school district under the school choice program, the cost of the student's tuition will be borne by the sending regional school district. Prior to FY94, the municipality in which these students resided bore the cost of these students' tuition.

As in FY93, FY94 school choice tuition will be deducted from the Chapter 70 payment of sending districts. However, unlike prior years, if the total School Choice tuition to be deducted exceeds Chapter 70 aid, the excess will be deducted from other state aid distributed to the district. If the total of all deductions exceeds total state aid distributed, the state will provide the excess, subject to appropriation, to the receiving district.

School Choice Reimbursement Program - The Education Reform Act establishes additional criteria for awarding reimbursements to sending districts under the school choice program. Any sending district may apply for reimbursement from the state. However, the reimbursement program will treat applicant sending districts that spend below the Foundation differently from those spending above it.

If a sending district is spending below the Foundation, the amount of reimbursement will be equal to the School Choice tuition paid to the receiving district (based on average per pupil cost of receiving district) less an amount equal to the number of students leaving the sending district multiplied by the average per pupil spending of the sending district. If a sending district is spending above the Foundation, the amount of reimbursement will be based on the following formula:

FY94 - 50% of the net loss (tuition due to receiving districts less tuition due to sending district); if the amount lost is greater than 2% of the district's total school budget, reimbursement will be 75% of the net loss

FY95 - 25% of the net loss

FY96 & beyond - Zero

If any district that does not have a Foundation Gap becomes a sending district for the first time in FY95 or beyond, the reimbursement rate in the first year will be the FY94 reimbursement rate listed above and the reimbursement rate in the second year will be the FY95 reimbursement listed above.

Applications for reimbursement must be filed with the Department of Education by October 1st. If the district has previously filed for reimbursement, it does not need to re-file. Districts that choose to opt out of Education Reform under provisions of the Education Reform Act shall not be eligible for School Choice reimbursement.

District Vote to Withdraw - Prior to June 1st, each district, by a vote of its school committee and after a public hearing, can adopt a resolution withdrawing from the obligation to enroll nonresident students for the school year beginning the following September. The resolution must state the reasons for withdrawing and shall be filed with the Department of Education.

* **School Transportation Reimbursement Program** - Effective in FY95 and subject to appropriation, the Board of Education shall develop and administer a School Choice Transportation Reimbursement Program, to provide reimbursement for the transportation of School Choice students. Students eligible for reimbursement must be eligible to receive free or reduced cost lunches under federal guidelines.

MUNICIPAL DATA MANAGEMENT AND TECHNICAL ASSISTANCE . 3AU
THE FY94 REGIONAL SCHOOL DISTRICT CHERRY SHEETS: AN ANALYSIS

The enclosed Cherry Sheet Analysis reflects the changes between your district's Cherry Sheet for FY93 and the enclosed Cherry Sheet for FY94. In reviewing your Cherry Sheet and other material in this packet, you should be aware of the following points:

1. The Impact of Education Reform on the Cherry Sheet

Line A-1 of the Cherry Sheet indicates the amount of Chapter 70 Aid you will receive in FY94. This line includes the combined amount of a district's FY93 allocations of Chapter 70 Aid, Regional School District Aid, Equal Education Opportunity Grant Aid, and Per Pupil Aid, plus new education aid allocated for FY94 as stipulated by the Education Reform Act.

A detailed discussion of how this aid was calculated, and other issues of importance to regional school and local government finance contained in the Education Reform Act, is included in this packet and titled "Impact of the Education Reform Act on Municipal Finance".

2. Cherry Sheet Programs Deleted and Program Titles Changed

The following programs that appeared on the FY93 Cherry Sheet (Form C.S. 2-ER) have been deleted from the FY94 Cherry Sheet because they are consolidated by the enactment of Education Reform into Chapter 70 Aid (Line A-1):

Equal Education Opportunity (Line B-3 in FY93)
Per Pupil Aid (Line B-3a in FY93)

The title of line B-6 on the FY93 Cherry Sheet, Transportation of Pupils, has been changed to Regional School Transportation on the FY94 Cherry Sheet to more appropriately describe this program.

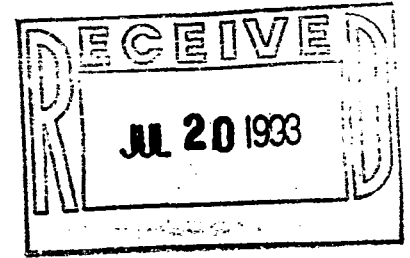
In FY93, Line B-2 was titled "Lunch Programs" because both Elderly and School Lunch programs were shown on this line. The title has been changed to "School Lunch" in FY94 (Line A-6) because Elderly Lunch funds are no longer distributed through the Cherry Sheet.

3. 1992 Equalized Valuations (EQV)

FY94 Cherry Sheet receipt and assessment program allocations that use equalized valuations (EQV) reflect 1992 Equalized Valuations. Chapter 58, Section 10C of the General Laws requires the Commissioner of Revenue to recalculate the EQV of all municipalities in every even numbered year.

In FY94, Cherry Sheet receipt programs that use EQV are as follows:

- o Components of the Chapter 70 Aid formula adopted in the Education Reform Act utilize EQV as a factor.

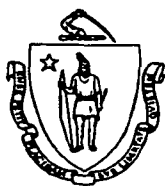


*A Service of the
Massachusetts Department of Education*

**Important information about the
Education Reform Act of 1993**

We recommend that you act right away by:

- 1) reviewing all enclosed material;**
- 2) contacting your superintendent to express your
interest in joining your district's information session team;
and**
- 3) registering your questions with the
Education Reform Hotline
(617) 388-3490.**



The Commonwealth of Massachusetts

Department of Education

350 Main Street, Malden, Massachusetts 02148-5023 • (617) 388-3300

MEMORANDUM

JUL 20 1993

To: Municipal Officials

From: Robert V. Antonucci *RVA*
Commissioner of Education

Date: July 16, 1993

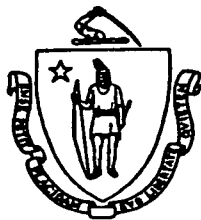
RE: The Education Reform Act of 1993

I am pleased to present you with a copy of the enclosed Education Reform Packet. The packet includes the following references for your use: 1) a section by section summary of Chapter 71 with a listing of the implementation dates for the State to meet its major responsibilities under the Act; 2) a copy of Chapter 71 as signed by the Governor; 3) a summary of the school finance case decided by the Supreme Judicial Court, McDuffy v. Robertson; 4) a fact sheet from the Teachers Retirement Board; and 5) a financial report detailing for each district the total new state aid included in the engrossed budget and the required local contribution derived from recently released municipal growth rates.

The superintendent and school committee chair in your community will also be receiving a similar packet. In addition they will receive registration forms for four informational sessions to be held in August for four person teams from each community. I suggest that you contact your superintendent to express your interest in joining the team.

We pledge our support to work with each community and school district to ensure a smooth implementation process for Education Reform.

The Commonwealth of Massachusetts



**Department
of Education**

Education Reform Information Packet

Massachusetts Board of Education

Mr. Martin S. Kaplan, Esquire, Chairperson, Newton

Mr. Thomas Chin, Newton

Ms. Marjorie Dolan, Boston

Dr. Jerome H. Grossman, Chestnut Hill

Mr. Frank Haydu, III, Dover

Mr. William K. Irwin, Jr., Wilmington

Ms. Elizabeth Kittredge, Longmeadow

Dr. Madelaine S. Marquez, Amherst

Mr. S. Paul Reville, Worcester

Dr. Richard R. Rowe, Belmont

Dr. Stacy L. Scott, Lowell

Rev. Michael W. Walker, Brockton

Ex Officiis

(Voting Privileges)

Ms. Allyson Bowen, Westminster

Chairperson, Student Advisory Council

Dr. Piedad F. Robertson, Secretary, Executive Office of Education

(Non-Voting Privileges)

Peter M. Mitchell, Interim Chancellor, Higher Education Coordinating Council

Dr. Robert V. Antonucci, Commissioner and Secretary to the Board of Education

The Massachusetts Department of Education insures equal employment/educational opportunities/affirmative action regardless of race, color, creed, national origin or sex, in compliance with Title VI and Title IX, or handicap, in compliance with section 504.



The Commonwealth of Massachusetts

Department of Education

350 Main Street, Malden, Massachusetts 02148-5023

Robert V. Antonucci
Commissioner

MEMORANDUM

TO: Superintendents and School Committee Chairpersons

FROM: Robert V. Antonucci *RVA*
Commissioner of Education

DATE: July 13, 1993

RE: Chapter 71, The Education Reform Act of 1993

This is a most historic time for all of us who work in public education in Massachusetts.

On June 18 the Governor signed into law Chapter 71, which establishes a set of bold innovative education initiatives that will move Massachusetts to the forefront of education reform in the nation. Three days before, the Supreme Judicial Court ruled in the McDuffy Case that the Massachusetts Constitution imposes a duty on the Commonwealth and the current school financing does not satisfy this duty. And last week the House and Senate completed work and sent to the Governor a State budget with \$175 million of new resources for our schools. We expect the Governor to approve the budget by July 19 with funds for education intact.

The Board and Department of Education are moving quickly to implement the new Act. The Board has established two task forces for the purpose. The Massachusetts Education Reform Initiative Task Force will assist me with the Act's implementation and will serve as an oversight group to ensure that the intent of legislation is being met. The second task force is the Massachusetts Commission on the Common Core of Learning whose responsibility is to gather outstanding individuals to determine the learner outcomes that will provide a base for the development of the curriculum frameworks and assessments. David Driscoll, the new Deputy Commissioner, will be working with me to develop strategies to oversee efforts within the Department to implement the Act. The entire staff will be involved in this most important matter.

As we all move forward with education reform, I want to assure you that we are here to assist and work with you as you undertake your new and expanded responsibilities. Toward that end, we will be conducting four informational sessions on Chapter 71 in August that will consist of workshops on the major themes of the Act (education personnel, students, governance, and finance) and will also provide an opportunity for dialogue and sharing of critical issues relating to implementation. Representatives of the Department of Revenue and the Executive Office of Education will join in the presentations.

The schedule for the meetings is as follows:

August 11, 1993 9 A.M. - 1 P.M. Westfield State College, Westfield
August 12, 1993 9 A.M. - 1 P.M. Massachusetts Bay Community College, Wellesley
August 16, 1993 9 A.M. - 1 P.M. Plymouth South High School, Plymouth
August 19, 1993 9 A.M. - 1 P.M. Fitchburg State College, Fitchburg

Each district is invited to bring key decision makers to attend one of these sessions. We are suggesting local teams of four to include the Superintendent, School Committee Chairperson, a principal and a representative of the city or town government. A registration form is enclosed for you to make reservations for one of the sessions. There will be no charge and once you have registered, your team will be guaranteed space. Coffee will be provided, but lunch will not be served. Please return the registration form by August 1 in order for us to be sure to have sufficient materials for all participants. We will not be sending confirmations. If you have any questions about these sessions, please contact Susan Freedman at the Center for Innovation at (617) 388-3300 x211.

We have received many questions about various aspects of the Act from individuals, districts, and the education associations and we are currently in the process of developing advisories. In order to expedite the process of coordinating responses to your questions, we have instituted an **Education Reform Hotline**, (617) 388-3490. When you call you will hear a recorded message which will give you instructions. If you would like to contact a staff person, continue to use the general Department number (617) 388-3300. If you would like to submit your questions in writing, send them to my office.

We have enclosed the following reference for your use: 1) a section by section summary of Chapter 71 with a listing of the implementation dates for the State to meet its major responsibilities under the Act; 2) a copy of Chapter 71 as signed by the Governor; 3) a summary of the school finance case decided by the Supreme Judicial Court, *McDuffy v. Robertson*; 4) a fact sheet from the Teachers Retirement Board; and 5) a complete financial report detailing for each district the total new state aid included in the engrossed budget and the required local contribution derived from recently released municipal growth rates.

While many important events have taken place there are still some issues remaining to be resolved. The Governor has filed two additional bills to amend sections of the new law. Some are necessary technical amendments and others are more significant policy changes. I will keep you updated about the progress of these bills.

Finally, I would like to thank all of you for your remarkable support and effort on behalf of education reform and for the school children of Massachusetts.

CHAPTER 71 OF THE ACTS OF 1993

AN ACT ESTABLISHING THE EDUCATION REFORM ACT OF 1993

Table Of Contents

For

Section By Section Summary

EDUCATIONAL PERSONNEL

Section 22, P.8 Attracting Excellence To Teaching Program	2
Section 40, P.56 Teacher Performance Evaluations	6
Section 41, P. 58 School Personnel Certification	6
Section 42, P.65 School District Professional Development Plans	7
Section 43, P.65 Professional Teacher Status	7
Section 44, P.67 School Staff Dismissals	7
Section 45, P.69 Repeal Of Certain Principal Employment Protections	7
Section 47, P.70 Teacher Suspensions	8
Section 48, P.71 Teacher Salary Adjustments	8
Section 64, P.89 Repeal Tenure Grandfathering For Superintendents	11
Section 65, P.89 Repeal Grandfather ESL Teachers	11
Section 69, P.90 Pending Teacher Dismissal Cases	11
Section 77, P.94 Impact On Collective Bargaining Agreements	13
Section 78, P.94 State Professional Development Plan	13
Section 79, P.95 Education Reform Review Commission	13
Section 83, P.97 Early Retirement For Teachers	14
Section 90, P.106 Date For New Standards For Certification Of Principals	15
Section 91, P.106 Date: Guidelines Attracting Excellence Program	15
Section 92, P.107 Grandfathering Existing School Nurses	16
Section 103, P.110 Date Of Repeal Of Grandfathering Supt. Tenure Rights	18

EDUCATION PROGRAMS

Section 17, P.6 Statewide Educational Technology Plan	2
Section 55, P.76 Charter Schools	9
Section 56, P.81 Definition For Vocational-Technical Education	9
Section 61, P.81 School Choice	10
Section 70, P.90 Early Childhood Education	11
Section 71, P.91 Health Education Programs	12
Section 72, P.92 Elimination Of "General Track"	12

EDUCATION PROGRAMS, cont.

Section 73, P.92 Study Of Special Education	12
Section 74, P.93 Study Of Transitional Bilingual Education	12
Section 75, P.93 Study Of Adult Education Funding	12
Section 76, P.94 Zacharias Project	13
Section 80, P.96 Plan To Extend School Time	13
Section 84, P.104 Parent Outreach Demonstration Program	14
Section 85, P.105 Deadline To Establish Curriculum Frameworks	14
Section 86, P.105 Drug Awareness And Resistance Education Programs	15
Section 87, P.106 Study Regional Boarding Schools; Dropouts/Disruptive Pupils	15
Section 88, P.106 School Safety Training Program	15
Section 89, P.106 Conflict Resolution Grant Program	15
Section 94, P.107 Study Of School-Based Centers For Human Services	16
Section 96, P.108 State Ward Tuition	16
Section 98, P.108 Workforce Development Strategic Plans	17
Section 101, P.109 Student To Adult Resources Ratio Advisory Commission	17
Section 104, P.110 Effective Date Of Charter Schools	18
Section 105, P.110 Effective Date Of School Choice Provisions	18

LOCAL GOVERNANCE

Section 35, P.54 School Committee Authority	5
Sections 38-39, P.56 School Personnel Hiring	6
Section 50, P.72 Contracts With Athletic Coaches	8
Section 51, P.72 School Textbook Selection	8
Section 52, P.72 Superintendent Duties	8
Section 53, P. 72 Principals And School Councils	9
Section 54, P.75 Rules For Employment Of Family Members	9
Section 62, P.88 Collective Bargaining Amendment	10
Section 95, P.107 Criminal Offender Record Information	16
Section 97, P.108 Authority Of Boston School Superintendent	16

SCHOOL FINANCE

Section 1, P.1 Arts Lottery Proceeds To Children's Trust Fund	1
Section 24, P.9 Regional Schools And Collaboratives-Unfunded State Mandates	3
Section 25, P.10 State Employees As Public School Volunteers	3
Section 26, P.10 Establishing Local Education Fund Contributions	3
Sections 32 - 34, P.32 School Aid	5
Section 59, P.81 Repeal Of Vocational-Technical School Aid	10

SCHOOL FINANCE, cont.

Section 63, P.89 Requiring Municipalities to Fund Schools	10
Section 66, P.89 Repeal Emergency School Aid Repayment Requirement	11
Section 67, P.89 Exempt Bill From Local Mandate Provisions	11
Section 68, P.89 State School Spending Increases	11
Section 100, P.109 Governor's FY 1994 Budget	17
Section 102, P.110 Task Force On Municipal Finance	17

STATE GOVERNANCE

Section 2, P.1 Department Of Education - Commissioner's Position	1
Section 3, P.1 Advisory Councils To The Board Of Education	1
Section 14, P.4 Advisory Committee On Educational Policy	1
Sections 15-16, P.5 Powers And Duties Of The Secretary Of Education	2
Sections 18-19 P.7 Changing Procedures Of HECC	2
Section 20, P.8 Appointment Of Chancellor Of Higher Education	2
Section 21, P.8 HECC Sends Personnel/Financial Statements To Secretary	2
Section 27, P.11 Quality Education As The Goal Of The Commonwealth	3
Section 28, P.12 Duties Of The Commissioner Of Education	4
Section 29, P.14 Duties Of The Board Of Education	4
Section 31, P.32 Repeal Of Bureau Of Transitional Bilingual Education	5
Section 57, P.81 Commissioner Approves Vocational-Technical Programs	9
Section 93, P.107 Commission On Regulatory Relief In Education	16
Section 99, P.108 Affirmative Action Policy	17

STUDENTS

Section 23, P.9 Dual Credit For Students Attending State Colleges/Universities	3
Section 36, P.54 School Discipline Policy	5
Section 37, P.56 Weapons Reports	6
Section 81, P.96 Deadline For Student Academic Standards	13
Section 82, P.96 Effective Date For Certificates/Competency Determination	14

TECHNICAL CHANGES

Sections 4-13, P.3 Repeal Of Replaced Provisions	1
Section 30, P.32 Repeal Of Educational Trust	5
Section 46, P.69 Technical Amendments	8
Section 49, P.72 Technical Amendment	8
Section 58, P.81 Technical Amendment	10
Section 60, P.81 Technical Amendment	10

CHAPTER 71 OF THE ACTS OF 1993

AN ACT ESTABLISHING THE EDUCATION REFORM ACT OF 1993

Section By Section Summary

Section 1, P.1 Arts Lottery Proceeds To Children's Trust Fund

This section commits \$600,000 annually in revenues from the arts lottery to the children's trust fund. Present law sets this annual commitment by calculating an average day's proceeds.

Section 2, P.1 Department Of Education - Commissioner's Position

This section establishes the Commissioner of Education's position as appointed by the Board of Education.

Section 3, P.1 Advisory Councils To The Board Of Education

This section establishes 14 advisory councils to the Board in these areas: early childhood education; gifted and talented education; math and science education; racial imbalance; parent and community education and involvement; special education; bilingual education; technology education; vocational-technical education; global education; comprehensive interdisciplinary health education and human service programs; life management skills and home economics; educational personnel; and fine arts education.

Sections 4-13, P.3 Repeal Of Replaced Provisions

These sections repeal specific references to advisory councils now established by section 3 or repeal unnecessarily specific administrative structure requirements. Section 10 repeals special provisions for most-at-risk schools, testing for basic skills, and the School Improvement Fund.

Section 14, P.4 Advisory Committee On Educational Policy

This section establishes an Advisory Committee on Educational Policy to consider issues common to higher, elementary, secondary, early childhood, and vocational-technical education. The committee consists of the executive committees of the State Board of Education and of the Higher Education Coordinating Council. It replaces an existing committee consisting of the entire membership of those two boards.

Sections 15-16, P.5 Powers And Duties Of The Secretary Of Education

These sections amend the powers and duties of the Secretary of Education. The Secretary will serve on both the Board of Education and the Higher Education Coordinating Council, will prepare an annual master plan, and release a report annually to the public on the condition of the public schools.

Section 17, P.6 Statewide Educational Technology Plan

This section requires the Massachusetts Corporation for Educational Telecommunications (MCET) to develop a statewide educational technology plan called "Massachusetts Education-on-Line".

Sections 18-19, P.7 Changing Procedures Of The Higher Education Coordinating Council (HECC)

These sections make minor changes to HECC procedures, including defining a quorum as six members and authorizing an executive committee, and requires that the Secretary of Education not serve as chair of the council.

Section 20, P.8 Appointment Of Chancellor Of Higher Education

This section provides that HECC, by a 2/3 vote, appoint the Chancellor. The Secretary of Education now makes the appointment from three names recommended by HECC. The Chancellor serves as secretary to HECC and as the chief executive officer and chief school officer for higher education.

Section 21, P.8 HECC Sends Personnel And Financial Statement To Secretary Of Education

This section directs HECC to submit its periodic financial and personnel statement which it now submits to the state Budget Director, to the Secretary of Education as well.

Section 22, P.8 Attracting Excellence To Teaching Program

This section establishes an "Attracting Excellence To Teaching Program" where outstanding college graduates who choose to teach in the state's public schools may have the Commonwealth assist them in repaying their student loans. The program will be administered by the Secretary of Education according to guidelines promulgated by HECC and will be subject to appropriation.

Section 23, P.9 Dual Credit For High School Students Attending State Colleges/Universities

This section allows public secondary school students to enroll in Massachusetts public institutions of higher education where they will earn both secondary school and college credits. Students may enroll full time for individual courses. The Secretary in consultation with HECC and the Board will define which students qualify for this program, establish admission criteria, and otherwise administer the program.

Section 24, P.9 Regional School Districts And Educational Collaboratives-Unfunded State Mandates

This section clarifies that the state must pay the cost of complying with new mandates imposed on regional school districts and educational collaboratives.

Section 25, P.10 State Employees As Public School Volunteers

This section allows state employees, with supervisor approval, to volunteer in public schools without extra compensation or loss of salary for a maximum of seven hours per week.

Section 26, P.10 Establishing Local Education Fund Contributions

This section allows cities and towns to establish scholarship funds to provide educational financial aid to deserving city and town residents. A scholarship or educational fund committee will select recipients and amounts of aid. Recipients must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution accredited by the committee. The committee must also consider each recipient's financial need, character, scholastic record, and community involvement as well as extra-curricular school activities.

Section 27, P.11 Quality Education As The Goal Of The Commonwealth

This section declares that a paramount goal of the Commonwealth is to provide a public education system of sufficient quality to extend to all children the opportunity to reach their full potential. It also declares the intent of the bill which is to ensure that each classroom provides the conditions for all pupils to engage fully in learning without threats to their sense of security or self-esteem; a consistent commitment of resources to provide a high quality public education to every child; a deliberate process for establishing and achieving specific educational performance goals for every child; and an effective mechanism for monitoring progress toward those goals and for holding educators accountable for their achievement.

Section 28, P.12 Duties Of The Commissioner Of Education

This section establishes the duties of the Commissioner including preparing budgets, preparing a five-year master plan for public education, assisting districts in developing school-based management systems, encouraging the adoption of regional school districts, facilitating school-business partnerships, assessing the effectiveness of public schools, and assessing alternative education programs.

Section 29, P.14 Duties Of The Board Of Education

This section establishes the duties of the Board of Education, including certifying educational personnel, promoting participatory management systems, encouraging programs for gifted and talented students, publishing school and district profiles, withholding state and federal funds from non-complying school committees, referring cases of school committee noncompliance to the Attorney General, establishing standards for recognition of high achievement by students and districts, and establishing the process and standards for declaring schools and districts "underperforming" and "chronically underperforming." This section also directs the Board to establish minimum nutritional standards for schools. It authorizes the Board to direct the Commissioner to develop academic standards for the core subjects of math, science and technology, history and social science, English, foreign languages, and the arts. The standards include criteria for three determinations or certificates: (1) the competency determination for 10th grade and as a condition for high school graduation; (2) the certificate of mastery; and (3) the certificate of occupational proficiency. The section also establishes two grant programs to be administered by the Board; the Advanced Placement Course Grant Program, to award grants to districts for costs associated with establishing advanced placement courses; and the Advanced Placement Test Fee Grant Program to award grants to districts for the reimbursement of application fees for students taking the tests.

The section also authorizes the Board to direct the Commissioner to institute a process for drawing up curriculum frameworks for the core subjects. It directs the Board to set standards for vocational-technical education and school-to-work transition programs with emphasis on integrating academic and vocational education; the Board is directed to assess progress in integrating academic and vocational education. The section directs the Board to establish demonstration grants to develop alternative education program models; establish a grant program to create job compacts to coordinate summer and after school employment opportunities for students and establish grants for technology preparation programs and four demonstration grants to consortia of vocational schools with HECC's assistance. The section also directs the Department to develop an adult basic education and literacy services program and provide grants for literacy services. In addition, the Board must annually evaluate all public schools to assess student acquisition of skills called for in the academic standards. Student assessments will be conducted in at least the 4th, 8th and 10 grades, and districts are required to file annual reports on statistical measures and educational programs. The section

directs the Board to designate schools as underperforming when they fail consistently to improve the academic performance of their students. Such schools must adopt remedial plans and if a school does not show significant improvement within 24 months, the Board can declare the school "chronically under-performing" and take additional action such as removing the principal and designating a receiver for the districts who will report to the Commissioner. A district can also be declared chronically underperforming for fiscal reasons if the municipality fails to fulfill its financial responsibilities under the bill. Such a district may not have its tax rate approved by the Commissioner of Revenue until the deficiency is made up by the municipality. This section also directs the Board to establish a comprehensive interdisciplinary health education and human service discretionary grant program which may be funded from the Health Protection Fund or increases in the cigarette tax.

Section 30, P.32 Repeal Of Educational Trust

This section repeals the statute establishing an education trust in which the Department may receive grants, gifts, and bequests. The power of the Department to receive such grants and gifts is transferred to Section 1B of Chapter 69.

Section 31, P.32 Repeal Of Bureau Of Transitional Bilingual Education

This section repeals the statute establishing the Bureau of Transitional Bilingual Education within the Department of Education.

Sections 32 - 34, P.32 School Aid

These sections contain the funding system for state aid to public education.

Section 35, P.54 School Committee Authority

This section authorizes school committees to hire and fire superintendents, review and approve public education budgets, and establish educational goals and policies for schools consistent with law and the statewide goals and standards established by the Board.

Section 36, P.54 School Discipline Policy

This section provides that superintendents must publish district policies pertaining to student and teacher conduct. Tobacco use by anyone on school grounds or buses is prohibited. Student handbooks must provide that any student found in possession of a dangerous weapon or a controlled substance or who assaults a school staff person will be subject to expulsion.

Section 37, P.56 Weapons Reports

This section requires school personnel to report incidents involving a student's possession of a dangerous weapon on school premises.

Sections 38-39, P.56 School Personnel Hiring

These sections repeal provisions requiring school committees to vote on hiring and promoting teachers, department chairmen, principals, assistant and deputy superintendents, and other positions, and repeal the authority of school committees to hire instructional and administrative aides.

Section 40, P.56 Teacher Performance Evaluations

This section provides that teacher performance evaluations are to be performed by the superintendent rather than the school committee using evaluation principles established by the Board and any supplemental standards a school committee may additionally impose. The section also provides for a binding arbitration procedure when teacher performance standards cannot be agreed upon by a school committee and teachers.

Section 41, P. 58 School Personnel Certification

This section establishes a new process by the Board for certifying school personnel. Any certificate may be revoked by the Board for cause. In addition, the Board is to promulgate regulations to carry out the new requirements provided that they do not require a masters degree as a condition to attaining a standard certification in instruction; a masters degree may be required as a condition to attaining a certificate of eligibility with advanced standing. The Board is given authority to grant provisional and standard certificates. For provisional certification eligibility, the candidate must hold a bachelor's degree in arts or sciences, pass a writing and subject matter test, and be of sound moral character. The candidate is then issued a certificate of eligibility, for provisional employment in a teaching position requiring instructional certification. To be eligible for the standard certificate in instructional fields, a candidate must possess a provisional certificate and complete a state-approved district or private school training program while employed provisionally in a position requiring an endorsement to the instructional certificate. School districts seeking to hire provisional teachers submit training plans to the Department and receive the Commissioner's approval. A certificate of eligibility with advanced standing is issued to a person who passes the writing and subject matter test and who completes either a college teacher preparation program approved by the Department, a college preparation program included in the national alternative certification reciprocity system, an approved out-of-state teacher education program, or an out-of-state teacher education program approved by the Board.

Teachers granted certificates prior to June 1, 1993 will be "grandfathered" in and issued standard instructional certificates. The Department will coordinate districts' training efforts and establish regional programs for provisional teachers. A standard certificate is issued for a period of five years. Certified personnel must maintain professional skill development and subject matter knowledge under policies designed by the Board, and five-year renewal applications must be accompanied by documentation demonstrating fulfillment of the professional development requirements.

Section 42, P.65 School District Professional Development Plans

This section requires all school districts to adopt and implement professional development plans for principals, teachers, and other professional staff, and annually update the plans and set forth a budget for professional development within the confines of the foundation budget. The plans will include training in teaching curriculum frameworks, participatory decision-making, parent and community involvement, and training for school council members. The plans may also include teacher training which addresses the effects of gender bias in the classroom. Each year, the Commissioner will prepare a plan for providing statewide assistance in the preparation and implementation of professional development plans.

Section 43, P.65 Professional Teacher Status

This section provides that teachers and certain other professional personnel are awarded professional teacher status after three consecutive years of service in a district. It authorizes a superintendent, upon the principal's recommendation, to award professional teacher status to a teacher who has served at least one year in a school. Such status replaces the current tenure system. Principals are not awarded such status, and they may not be represented in collective bargaining. Principals shall not be dismissed or demoted except for a good cause.

Section 44, P.67 School Staff Dismissals

This section provides that a principal may dismiss or demote any teacher or person assigned full-time to the school, subject to review and approval of the superintendent. The superintendent may dismiss any employee of the school district. A teacher with professional teacher status shall not be dismissed except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination, or failure to satisfy teacher performance standards, or other just cause. A dismissed teacher may seek review of the dismissal before an arbitrator.

Section 45, P.69 Repeal Of Certain Principal Employment Protections

This section repeals a provision of current law providing that no principal may be dismissed, except for specified good causes, after notice and a hearing, with an appeal to

Superior Court.

Section 46, P.69 Technical Amendments

This section provides conforming amendments to change references to the current tenure system to the professional teacher status when a regional school district is created or abolished.

Section 47, P.70 Teacher Suspensions

This section permits a superintendent or principal to suspend any employee for one month after seven days notice has been given. Suspended employees may seek review of suspensions through an arbitration process.

Section 48, P.71 Teacher Salary Adjustments

This section allows teacher salaries to be reduced only by a general salary revision affecting equally all teachers of the same salary grade, or in connection with a reduction in status from full-time to part-time resulting from a reduction in force due to declining enrollments or other budgetary reasons, or due to reorganizations for academic or budgetary reasons.

Section 49, P.72 Technical Amendment

This section makes technical changes to conform with the professional teacher status provisions in the bill.

Section 50, P.72 Contracts With Athletic Coaches

This section provides that superintendents, rather than school committees, may contract with athletic coaches for up to three years.

Section 51, P.72 School Textbook Selection

This section provides that a principal, under the superintendent's direction, shall purchase textbooks and other supplies in accordance with the Uniform Procurement Act. The section repeals the textbook loan program for private schools.

Section 52, P.72 Superintendent Duties

This section directs superintendents to manage school systems in a fashion consistent with state law and school committee policy. The school committee, upon the superintendent's recommendation, may establish and appoint assistant superintendents but may not unreasonably withhold its approval of such appointments.

Section 53, P. 72 Principals And School Councils

This section authorizes superintendents to hire principals who shall be the educational administrators and managers of their schools.

This section also establishes school councils in all schools, comprised of parents, teachers, students, and community representatives and co-chaired by school principals. The council will meet with the principal and assist in identifying the educational needs of students, reviewing the annual school budget, and in formulating a school improvement plan. The section also provides for a School-Community Partnerships Grant Program to be established by the Board.

Section 54, P.75 Employment of Family Members

This section provides that school districts shall not employ an immediate family member of a superintendent, a central office administrator, or school committee member unless two weeks written notice is given to the school committee. An immediate member of a principal's family also may not be assigned to the principal's school unless such notice is given.

Section 55, P.76 Charter Schools

This section establishes Charter Schools to stimulate innovation in education. Such schools will be free and public schools established under charters granted by the Secretary. There will be a limit of 25 charter schools at one time with no more than five in Boston and Springfield and no more than two in any other city or town. A limit on the number of students attending Charter Schools will be set at no greater than three-quarters of 1% of the total number of public school students in the state. Section 104 provides the opening date for Charter Schools as the fall of 1995.

Section 56, P.81 Definition For Vocational-Technical Education

This section defines the term "vocational-technical education" to refer to educational programs preparing students for both employment and continuing academic and occupational preparation. The programs shall include competency based applied learning. Vocational-technical education also includes applied technology education.

Section 57, P.81 Commissioner Approves Vocational-Technical Programs

This section authorizes the Commissioner, at the Board's direction, to approve or disapprove vocational-technical programs in accordance with Board regulations. Such regulations will heavily favor an outcome-oriented approach for program approval over a quantitative approach which measures only time spent on lab instruction and will consider a program's intent to integrate vocational and academic instruction.

Section 58, P.81 Technical Amendment

This section amends the regional vocational school law to conform it to the school choice provisions of the bill.

Section 59, P.81 Repeal Of Vocational-Technical School Aid

This section repeals the current law establishing the provisions for state aid for vocational-technical education.

Section 60, P.81 Technical Amendment

This section replaces tenure for vocational teachers with the provisions for professional teacher status in the bill.

Section 61, P.81 School Choice

This section amends the school choice law by allowing children to attend school in another district that has space available and has not filed with the Department a resolution withdrawing from the choice program. Funding transfers to the receiving districts, and districts that spend below the foundation level and lose students are compensated by increased state aid. Participation will be limited to 1% of total public school students in FY 1994, increasing over the next 3 years to 2% in FY 1997 and beyond. The Board will develop and administer a transportation program for low-income pupils; reimbursement can be made for bus transportation, transportation provided by the parent, and public transportation. Reimbursement may be provided for transportation between contiguous districts if cost-effective alternatives exist. The Board will also establish and maintain a parent information system to disseminate information on the interdistrict choice program to parents. Section 105 provides that the school choice provisions of the bill take effect upon passage, except for the annual reporting requirement, the requirement for districts to participate in the choice program unless they opt out, the parent information system, the transportation reimbursement program, and the requirement of random selection for admission, all of which will be delayed until the school year beginning September 1994.

Section 62, P.88 Collective Bargaining Amendment

This section defines the chief executive of the city or town as a voting member of the school committee for school employee collective bargaining.

Section 63, P.89 Requiring Municipalities to Fund Schools

This section allows the Attorney General or any ten citizens of a municipality to bring a suit in the superior courts or the Supreme Judicial Court to require the municipality to appropriate the amount of funds required under law for public education.

Section 64, P.89 Repeal Tenure Grandfathering For Superintendents

This section repeals a special law that grandfathered tenure rights for superintendents that had them in 1972, when superintendent tenure was abolished.

Section 65, P.89 Repeal Grandfathering of English As A Second Language Teachers

This section repeals a special law that grandfathered teachers of English As A Second Language who held approval to teach prior to the enactment of a law requiring certification.

Section 66, P.89 Repeal Emergency School Aid Repayment Requirement

This section forgives the repayment of emergency education aid authorized by Chapter 493 of 1991. Sixty-five districts and six regional school districts received emergency aid from the Commonwealth totalling \$40 million. Repayment was slated to begin in FY 1993 and be spread out over five years.

Section 67, P.89 Exempt Bill From Local Mandate Provisions

This section makes all of the bill's provisions binding on all communities in spite of the no unfunded state mandates provision of Proposition 2 1/2. This requirement is outside of the foundation formula.

Section 68, P.89 State School Spending Increases

This section sets out the amounts by which state spending for public education shall increase, subject to appropriation for school aid and other educational purposes defined by this bill for FY 1994 - 2000.

Section 69, P.90 Pending Teacher Dismissal Cases

This section provides that teachers' appeals of terminations that were brought before the trial court before the bill's enactment may continue to proceed and be adjudicated under the law as they stand prior to changes made by this bill.

Section 70, P.90 Early Childhood Education

This section creates a commission to formulate a plan to deliver early childhood education services to all three and four year old children at no cost to their families. Members of the commission include members appointed by the Governor from the Executive Office of Human Services, the Board or Secretary of Education, the Office for Children, the Department of Public Welfare, the Department of Social Services, a Head Start Director, a representative of private day care providers, a Head Start parent, a parent with a child in private day care, and an early childhood education teacher. The commission will consider,

among other issues, how to provide all such children with services and the advisability of charging tuition to the families of non-low income children. The plan must be implemented no later than July 1, 1995 and its minimum goal - to serve all at-risk three and four year olds - must be achieved by July 1, 1997.

Section 71, P.91 Health Education Programs

This section requires the advisory council for comprehensive interdisciplinary health education and human service programs to conduct a survey of all school districts' health programs, and those outside of the state, and study future trends in health education and human services for public school students. The advisory council will report its findings to the Board by December 31, 1993 and thereafter the council will develop a model program each year for use by school districts.

Section 72, P.92 Elimination Of "General Track"

This section requires all school districts to submit to the Board by September 1994 their plans to eliminate the "general track" in public schools, and establish alternative educational opportunities for students, such as apprenticeships, job corps programs, alternative learning centers, and college preparation programs. The Commissioner is also directed in this section to submit an action plan to the Board and legislature to eliminate the "general track" in all school districts.

Section 73, P.92 Study Of Special Education

This section directs the Board to conduct a study to determine the special education services which are being provided to students as well as the associated costs. The results of the study will be filed with the Joint Committee on Education, Arts and Humanities by December 29, 1993.

Section 74, P.93 Study Of Transitional Bilingual Education

This section establishes a special commission appointed by the Governor and chaired by the Secretary to study the effectiveness and implementation of transitional bilingual education programs. The commission will submit its recommendations to the legislature by December 1, 1993.

Section 75, P.93 Study Of Adult Education Funding

This section establishes a working committee convened by the Department to devise and recommend more adequate and appropriate adult education funding mechanisms. The working committee will report its findings and recommend legislation by October 15, 1993.

Section 76, P.94 Zacharias Project

This section establishes the Zacharias Project which is a public corporation for education excellence. The corporation's board will consist of nine members appointed by the Governor, including outstanding teachers, textbook publishers, educational software innovators, government members, and leading college scholars. The corporation's purpose is to improve the quality of public education, strengthen collaboration between college scholars and school teachers, and attract investors and purchasers from out of state into new initiatives in Massachusetts.

Section 77, P.94 Impact On Collective Bargaining Agreements

This section protects collective bargaining agreements in effect on the date the bill becomes law from being affected by the bill's repeal of tenure and the imposition of new sanctions associated with working in chronically underperforming schools or districts. Subsequent agreements will be subject to the bill's provisions.

Section 78, P.94 State Professional Development Plan

This section requires the Commissioner to file a plan to carry out state assistance for professional development and file it with the Governor and legislature by June 1, 1993.

Section 79, P.95 Education Reform Review Commission

This section establishes an education reform review commission to monitor the extent to which the Commonwealth carries out its responsibilities under the bill and the extent to which such efforts have brought about educational reform in Massachusetts.

Section 80, P.96 Plan To Extend School Time

This section directs the Board to prepare a plan to extend the time during which students attend school to reflect prevailing norms in advanced industrial counties and to address students' educational needs. The plan must be filed with the Governor and legislature by January 1, 1995. In addition, the Board is directed to evaluate and define the amount of time, exclusive of extracurricular activities including but not limited to lunch, recess, and other non-instructional activities, that students spend in the classroom. This report must be filed with the legislature by September 30, 1993.

Section 81, P.96 Deadline For Student Academic Standards

This section directs the Board to establish the student academic standards called for in the bill by January 1, 1995.

Section 82, P.96 Effective Date For Certificates And Competency Determination

This section provides that the student performance standards established by the Board, insofar as they apply to the criteria for the competency determination, the certificate of mastery, and the certificate of occupational proficiency, will apply to students entering the ninth grade in September 1993. The competency determination, however, will not be a condition for high school graduation until September 1, 1998.

Section 83, P.97 Early Retirement For Teachers

This section provides an early retirement incentive for public school teachers who have taught for at least 20 years. The incentive plan must be accepted by the locality and is limited to 2,500 teachers statewide in each of 1993 and 1994. The total annual cost is limited to \$20 million for the additional benefits payable after the enrollment period. If costs exceed \$20 million in the second year, the Secretary of Administration and Finance must file corrective legislation to reduce costs below \$20 million. The Teachers' Retirement Board is directed to prepare a funding schedule for each applicable city, town, or district which reflects 50% state share and 50% local share attributable to additional benefits. The schedules will reduce the Commonwealth's liability to zero by the year 2010. Ancillary costs associated with retirement, limited to accrued vacation, unused sick leave, or any other severance will be the obligation of the city, town, or district as will 50% of the total premium cost of health insurance for retirees.

Section 84, P.104 Parent Outreach Demonstration Program

This section directs the Department to establish a demonstration project by September 1, 1994 to assess models of parent outreach programs in working with families of children aged one to three years. A model is to be implemented by January 1, 1997. Models for the project will include home visits by parent educators to educate parents about the physical, mental, and emotional development of children; assistance to parents in meeting their own educational needs; promotion of literacy within the home; substantial parental involvement in activities for children; guidance at each stage of a child's development; periodic health screening and testing of children to check language and motor development; and group visits with other participating parents. Outreach programs will be made available to all parents free of charge and will focus, initially, on children identified as educationally at risk. The demonstration projects will end by December 1, 1996. The Department will thereafter supply the Joint Committee on Education, Arts and Humanities with its recommendations. The Department must submit a budget request to the legislature to implement the provisions of this section by December 31, 1993.

Section 85, P.105 Deadline To Establish Curriculum Frameworks

This section directs the Commissioner to develop curriculum frameworks for mathematics, science and technology, history and social sciences, English, and foreign

languages by January 1, 1995, and for the arts by January 1, 1996.

Section 86, P.105 Drug Awareness And Resistance Education Programs

This section directs the Board to establish and administer a discretionary grant program to assist cities and towns in initiating and implementing Drug Awareness and Resistance Education (D.A.R.E.) programs. The programs will be established by municipalities to teach middle school students the skills needed to resist drug use and will be implemented by local and state police officers. The program will fund 50% of a police officer's salary. The Secretary of Public Safety or the Chairman of the Governor's Alliance Against Drugs will develop criteria for selecting award recipients.

Section 87, P.106 Study Regional Boarding Schools For Dropouts And Disruptive Pupils

This section authorizes a study by the Commissioner, Attorney General, legislators, and an appointee of the Governor, on the feasibility of establishing regional boarding schools and other educational alternatives for school dropouts and chronically disruptive students. The study will be submitted to the Joint Committee on Education, Arts and Humanities by October 1, 1993.

Section 88, P.106 School Safety Training Program

This section directs the Attorney General to establish a project alliance statewide training program for school personnel relative to school safety and the law. The program will be coordinated by District Attorneys. The Commissioner and the Attorney General will jointly establish and chair an implementation oversight committee to oversee the program's implementation.

Section 89, P.106 Conflict Resolution Grant Program

This section establishes a student initiatives discretionary grant program for conflict resolution and peer training to be implemented by the Commissioner. The program will fund 50% of the cost of student initiatives and will be targeted toward high school students. Students are to be involved in planning and implementing the programs.

Section 90, P.106 Date For New Standards For Certification Of Principals

This section directs the Board to establish new standards for certifying principals and procedures for recertifying existing principals, by June 1, 1994.

Section 91, P.106 Date For Guidelines For Attracting Excellence To Teaching Program

This section directs HECC to promulgate guidelines for the Attracting Excellence To Teaching Program by January 1, 1994.

Section 92, P.107 Grandfathering Existing School Nurses

This section provides that the bill's provisions requiring Board certification of school nurses does not apply to persons who are working as school nurses on or before the date the

bill becomes law.

Section 93, P.107 Commission On Regulatory Relief In Education

This section establishes a 15 member commission, appointed by the Governor, to review and evaluate all statutes and regulations related to education and to recommend to the Board how to reduce the scope of, ease the administration of, simplify the compliance with, and eliminate such regulations, as well as reduce the amount of paperwork required in connection with public education and the state's regulations thereof. The Secretary will staff the Commission.

Section 94, P.107 Study Of School-Based Centers For Human Services

This section directs the Departments of Social Services, Youth Services, Mental Health, and Mental Retardation to study and develop a plan to earmark 1-2% of their budgets for services in school-based centers. The Secretary of Health and Human Services and Commissioner of Education will participate in the study. The Secretary of Health and Human Services will by December 29, 1993 file the plan with the legislature.

Section 95, P.107 Criminal Offender Record Information (C.O.R.I.)

This section authorizes superintendents access to the C.O.R.I. database on employees, prospective employees, and contract personnel who have frequent contact with students. Such information will be made available to superintendents subject to procedures developed by and agreed to by the Commissioner and Secretary of Public Safety.

Section 96, P.108 State Ward Tuition

This section requires the Commonwealth to pay the full tuition for wards placed in school districts outside of their home towns.

Section 97, P.108 Authority Of Boston School Superintendent

This section requires Boston to continue to abide by the terms of a special law establishing the authority of the Boston School Superintendent regardless of any requirements in the bill to the contrary.

Section 98, P.108 Workforce Development Strategic Plans

This section directs regional employment boards to work with high schools and vocational-technical schools to plan for transitioning students into the workforce. Each employment board will submit an annual workforce development strategic plan to the Mass Jobs Council. The plans will include comprehensive school-to-work transition policies.

Section 99, P.108 Affirmative Action Policy

This section requires an affirmative action policy for all programs undertaken under the bill's provisions. The Department shall conduct an ongoing review of affirmative action steps taken by school departments and when the Board determines noncompliance in this area, the Commissioner shall hold a public hearing on the matter and report his/her recommendations to the school committee and to the Massachusetts Commission Against Discrimination.

Section 100, P.109 Governor's FY 1994 Budget

This section directs the Secretary of Administration and Finance to submit to the legislature revisions in the Governor's FY 1994 budget recommendations to reflect the bill's provisions, such as an increase in education aid and the cost of the early retirement incentive program for teachers. Such revisions must be submitted at the latest one day after the bill has passed into law. No decreases may be made in local aid accounts to balance the 1994 budget.

Section 101, P.109 Student To Adult Resources Ratio Advisory Commission

This section directs the Board, with the Commissioner's advice, to appoint an advisory commission on the student to adult resources ratio in public schools. The Commissioner or his designee will chair the commission and each December 1st after December 1, 1993, the commission will file a report with the Board assessing the extent of compliance with class size regulations adopted by the Board and make recommendations to modify them.

Section 102, P.110 Task Force On Municipal Finance

This section establishes a task force on municipal finance appointed by the Governor and legislature to examine all aspects of the delivery and financing of municipal services, with special consideration to the review and reconsideration of the Hamill Commission recommendations of 1990. The task force will file legislation by September 30, 1993.

Section 103, P.110 Effective Date Of Repeal Of Grandfathering Superintendent Tenure Rights

This section establishes January 1, 1994 as the effective date for repealing a special law that grandfathered tenure rights for school superintendents that had such rights in 1972 when superintendent tenure was abolished.

Section 104, P.110 Effective Date Of Charter Schools

This section establishes the opening date for Charter Schools as the fall of 1995.

Section 105, P.110 Effective Date Of School Choice Provisions

This section provides that the school choice provisions of the bill will take effect upon passage, except for the annual reporting requirement; the requirement for districts to participate in the choice program unless they opt out; the parent information system; the transportation reimbursement program; and the requirement of random selection for admission, all of which will be delayed until the school year beginning September 1994.

Chapter 71, An Act Establishing The Education Reform Act of 1993

Implementation Dates

Summary of Board Responsibilities:

Board shall publish profiles of all public schools and districts by 6/30 of each year.

Board with DOE must accept and review school choice attendance and tuition reports by 7/1 of each year.

Board along with legislature shall receive a plan from Commission on Early Childhood Education by 4/30/94.

Commission on Early Childhood Education must implement its plan by 7/1/95.

Commission on Early Childhood Education must accomplish its minimum goals by 7/1/97.

Board shall conduct a comprehensive Special Education study by 12/29/93.

Board shall prepare a plan to extend school day/year by 1/1/95.

Board is directed to evaluate and define instructional time and report to the legislature by 9/30/93.

Board shall establish student academic standards by 1/1/95.

Board shall file a list of all early retirement vacancies with legislature by 12/1/93.

Board shall establish new standards for certification and recertification of principals by 6/1/94.

Board shall appoint an advisory commission on adult resources ratio who will report by 12/1/93.

Summary of Commissioner Responsibilities:

Commissioner shall submit to the Board a plan to eliminate the "general track" by 12/1/95.

Commissioner shall submit a plan with Board approval to implement professional development goals by 6/1/93.

Commissioner shall develop curriculum frameworks by 1/1/95 (for arts by 1/1/96).

Commissioner with others shall study the feasibility of establishing a regional boarding school by 10/1/93.

Commissioner shall participate in a study of school-based human service centers to be filed by 12/29/93.

Department of Education (DOE) Summary of Responsibilities:

DOE must accept resolutions from school committees withdrawing from school choice by 6/1 of each year.

DOE will accept school choice reimbursement applications and corrective action plans by 10/1 of each year.

DOE shall report to the legislature the foundation gap by school district by 3/1/94.

DOE shall convene working committee on adult education funding by 10/15/93.

DOE is directed to establish a demonstration project on outreach/education for parents of young children by 9/1/94.

Responsibilities of Other Parties:

The Secretary of Administration and Finance must recommend revisions in Governor's FY94 budget for education aid and submit to the House and Senate Committees on Ways and Means not later than the day after the bill passes into law.

Municipal Finance Task Force must report to legislature by 9/30/93.

The advisory council for comprehensive interdisciplinary health education and human service programs must report the findings of its survey of existing comprehensive health education programs to the Board by 12/31/93.

HECC shall promulgate guidelines for the Attracting Excellence To Teaching Program by 1/1/94.

The Secretary of Health and Human Services shall file a plan with the legislature on school-based human service centers by 12/29/93.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-three

AN ACT ESTABLISHING THE EDUCATION REFORM ACT OF 1993.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the improvement of public education in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The last paragraph of section 25 of chapter 10 of the General Laws, added by section 2 of chapter 461 of the acts of 1991, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Revenue from the lotteries for the arts shall be distributed in accordance with the provisions of section fifty-seven; provided, however, that the comptroller shall transfer in April of each year six hundred thousand dollars therefrom to the children's trust fund established in section fifty.

SECTION 2. Chapter 15 of the General Laws is hereby amended by striking out section 1F, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 1F. The board of education shall by a two-thirds vote of all its members appoint a commissioner of education, in this chapter called the commissioner, and may in its discretion by majority vote of all its members remove him. He shall be the secretary to the board, its chief executive officer and the chief state school officer for elementary and secondary education. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty, and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 3. Said chapter 15 is hereby further amended by striking out section 1G, as most recently amended by section 1 of chapter 414 of the acts of 1992, and inserting in place thereof the following section:-

Section 1G. There shall be established advisory councils to the board in the following areas: early childhood education; life management skills and

home economics; educational personnel; fine arts education; gifted and talented education; math and science education; racial imbalance; parent and community education and involvement; special education; bilingual education; technology education; vocational-technical education; global education; and comprehensive interdisciplinary health education and human service programs.

The members of these councils shall serve without compensation but may be reimbursed subject to appropriation for expenses necessarily and reasonably incurred in the performance of their responsibilities. Each council shall be composed of members who shall be recommended by the commissioner and appointed by the board and who shall not, by virtue of their membership, be deemed state employees under chapter two hundred and sixty-eight A. Members shall be appointed for a term of three years. No member shall serve for more than two consecutive terms. The members serving on such councils may be school committee members, school superintendents, professional educators, parents or students. A reasonable balance of members representing business, labor, civic, educational, parental and professional groups shall be maintained. Members serving on such councils shall represent a reasonable geographic balance.

The members of the council on education personnel shall have demonstrated scholarship, creativity, or distinguished service in education, and shall be broadly representative of all areas of public education.

The members of the council on technology education shall have demonstrated scholarship or creativity in, or distinguished service to technology education, and shall be broadly represented in all areas of technology education in the comprehensive school.

The council on global education shall include the directors of each of the bay state centers for global education.

The members of the council on math and science education shall have demonstrated scholarship or creativity in, or distinguished service to science or mathematics, and shall be broadly representative of all areas of science and mathematics.

The advisory council on early childhood education shall include a member representing private early childhood education providers.

There shall be twelve voting members of the advisory council for special education, six of whom shall be parents of children with special needs. The commissioners of the departments of mental health, mental-retardation, public health and public welfare shall each appoint a representative to serve as ex

officio members of the advisory council for special education. At all times the makeup of the advisory council for special education shall comply with requirements of federal law. There shall be twelve voting members of the advisory council for bilingual education, six of whom shall be parents of bilingual students.

The advisory council for comprehensive interdisciplinary health education and human service programs shall consist of at least fifteen, but shall not exceed thirty, members who represent school counseling professionals, health home economics educators, child and adolescent health service providers, teachers, parents, high school students, school administrators and officials, and the departments of welfare, public health, mental health, youth services, social services, the office for children, a suicide prevention specialist, a substance abuse specialist, a youth programming expert and a member of the clergy.

The duties of the advisory council on vocational-technical education shall be performed by the state council on vocational education as constituted under federal vocational-technical education law. The state council on vocational-technical education shall also advise the board on school to work policies. The board may appoint up to three additional members to this council and such members' responsibilities shall be limited to duties required under this statute only.

The commissioner, with the approval of the board, shall appoint the chair of each council. The commissioner or his designee shall serve as the secretary to each council.

Each council shall make other programmatic recommendations as it deems necessary to fulfill the goals established by the board.

The commissioner, with the approval of the board, may establish such other advisory groups as deemed necessary to assist in developing educational plans or programs to advance the purposes of the department.

SECTION 4. Section one H of said chapter fifteen is hereby repealed.

SECTION 5. Section one K of said chapter fifteen is hereby repealed.

SECTION 6. Sections one M to one Q, inclusive, of said chapter fifteen are hereby repealed.

SECTION 7. Sections one S and one T of said chapter fifteen are hereby repealed.

SECTION 8. Section four A of said chapter fifteen is hereby repealed.

SECTION 9. Sections six B and six C of said chapter fifteen are hereby repealed.

SECTION 10. Sections forty-six to fifty-one, inclusive, of said chapter fifteen are hereby repealed.

SECTION 11. Section fifty-three of said chapter fifteen is hereby repealed.

SECTION 12. Section fifty-six of said chapter fifteen is hereby repealed.

SECTION 13. Sections sixty-one and sixty-two of said chapter fifteen are hereby repealed.

SECTION 14. Chapter 15A of the General Laws is hereby amended by striking out section 2, as appearing in section 7 of chapter 142 of the acts of 1991, and inserting in place thereof the following section:-

Section 2. There shall be an advisory committee on education policy, hereinafter called the committee, consisting of the executive committees of the board of education and the higher education coordinating council. The committee shall have the following powers and duties:

(a) to study and report on issues common to higher education and to public early childhood, elementary, secondary, or vocational-technical schools;

(b) to serve as a forum for discussion between the lay boards responsible for overseeing public education in the commonwealth;

(c) to serve as a public forum for discussion of general education goals for the commonwealth;

(d) to develop goals for a coordinated system from early childhood through higher education at the university level, and make recommendations to appropriate boards or groups relative to such;

(e) to build public support and understanding of education;

(f) to encourage and facilitate partnerships between and among public early childhood, elementary, secondary, and vocational-technical schools with institutions of higher learning;

(g) to articulate, through study and discussions, the vital connection between high quality public education and future economic growth and development in the commonwealth;

(h) to encourage and facilitate partnerships between schools and businesses to improve the delivery of educational services;

(i) to articulate goals for accountability and high standards of quality for the entire system of education in the commonwealth, in consultation with

parents, students, educators, business representatives, community officials and the public at-large;

(j) to advise the governor, the general court, and the secretary of education, relative to any issue within its purview; and,

(k) to encourage contributions and grants to schools from businesses, foundations, or any other viable and appropriate funding source.

The committee may utilize subcommittees of the full committee to accomplish any of the duties required of it. Nothing in this section shall be construed to grant the committee any authority vested in the board of education or the higher education coordinating council.

The committee shall be chaired by the secretary of education.

The committee shall meet at least four times annually and at other times at the call of the chairman of the board of education, the chairman of the higher education coordinating council, or the secretary of education.

SECTION 15. The second paragraph of section 3 of said chapter 15A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The secretary shall advise the governor on matters relating to public education, and shall coordinate public education programs from early childhood through the university level by chairing the advisory committee on educational policy and by serving on the board of education and the higher education coordinating council.

SECTION 16. Said section 3 of said chapter 15A is hereby further amended by striking out the third paragraph, as amended by section 209 of chapter 133 of the acts of 1992, and inserting in place thereof the following paragraph:-

The secretary shall have the following powers and duties:

(a) to serve as the governor's advisor on educational issues and represent the interests of education in the governor's cabinet, and report to the governor on the activities of public education from early childhood through the university level;

(b) to analyze the present and future goals, needs and requirements of public education in the commonwealth and recommend to the board of education and the higher education coordinating council comprehensive goals necessary to achieve a well-coordinated system of high achievement in public education in the commonwealth;

(c) to serve as a voting member of the board of education and the higher education coordinating council, and as a member of the executive committee of each of these bodies;

(d) to seek, accept, establish and administer grants, gifts, awards, and trusts for public education from foundations, corporations, individuals, and federal agencies, and develop guidelines as needed for the disbursement of such funds in accordance with applicable law and pursuant to the terms of the grant, gift, award or trust; provided, however, that these powers shall exist concurrently with similar powers exercised by the board of education and the higher education coordinating council;

(e) to articulate the need for public support of education and to assist in building that support;

(f) to receive and review requests for state appropriations from the board of education and higher education coordinating council, and forward said requests along with such recommendations as he deems appropriate to the secretary of administration and finance and the senate and house committees on ways and means;

(g) to prepare an annual master plan for public education;

(h) to release to the public annually, on September first, a report on the condition of public early childhood, primary and secondary schools in the commonwealth, based on the department of education school and district profiles and the assessment results required by section one I of chapter sixty-nine, and on the condition of higher education in the commonwealth;

(i) to promulgate rules and regulations appropriate to fulfilling the responsibilities of the executive office.

SECTION 17. Said chapter 15A is hereby further amended by inserting after section 3 the following section:-

Section 3A. A statewide educational technology plan, to be known as Massachusetts education-on-line, shall be developed by the Massachusetts corporation for educational telecommunication, hereinafter referred to as MCET. Said educational technology plan shall incorporate the following goals:

(a) the implementation and integration of technology into teaching and learning in public schools, including, but not limited to, the establishment of a statewide telecommunications and technology link among public college and university campuses and school districts through the use of computer and communications technology;

(b) the facilitation of the implementation of a statewide professional development plan for teachers, principals, and superintendents using distance learning in coordination with the commissioner of education; and,

(c) the increased involvement of parents, guardians, mentors or other volunteers with their students' education by utilization of distance learning.

For the purposes of this section, said educational technology plan shall be broadly construed to include, but not be limited to, programs, courses, and capital expenditures including computer hardware and software, networks, television, satellite transmissions, fiber optics cable, calculators and video and audio tapes. Subject to appropriation, MCET may provide grants to universities, colleges, schools and school districts for the purposes of purchasing the equipment and other materials necessary for the implementation of said educational technology plan. The MCET executive director, in consultation with the secretary of education, may establish such advisory groups or committees as he deems necessary for the development and implementation of said educational technology plan.

SECTION 18. The first paragraph of section 4 of said chapter 15A is hereby amended by striking out the first sentence, as amended by section 1 of chapter 222 of the acts of 1991, and inserting in place thereof the following three sentences:- The higher education coordinating council, hereinafter referred to as the council, shall be composed of eleven voting members, consisting of the secretary of education, ex officio, and ten members appointed by the governor, reflecting regional geographic representation, one of whom shall be a student currently enrolled in a state-funded institution of higher education. The commissioner of education shall serve as a nonvoting member. The secretary shall serve as a voting member of the board but shall not serve as chairperson of the board.

SECTION 19. The second paragraph of said section 4 of said chapter 15A, as amended by section 2 of said chapter 222, is hereby further amended by striking out the last sentence and inserting in place thereof the following three sentences:- The chairperson of the council, who shall be appointed by the governor, shall notify the governor and the secretary whenever such vacancy exists. Six members, exclusive of the commissioner, shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action taken by the council. The council shall have an executive committee and such other committees as the council may from time to time establish.

SECTION 20. Section 6 of said chapter 15A, as appearing in section 7 of chapter 142 of the acts of 1991, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The council shall, upon its formation, and whenever a vacancy may occur, by a two-thirds vote of all its voting members appoint a chancellor of the system of public higher education, hereinafter called the chancellor, and may in its discretion by a majority vote of all its members remove him. He shall be the secretary to the council and its chief executive officer and the chief school officer for higher education. The chancellor shall be responsible for carrying out the policies established by the council.

SECTION 21. The first paragraph of section 15 of said chapter 15A, as so appearing, is hereby amended by adding the following sentence:- Said statement shall also be transmitted to the secretary of education.

SECTION 22. Said chapter 15A is hereby further amended by inserting after section 19 the following section:-

Section 19A. There shall be a student loan repayment program known as the attracting excellence to teaching program, for the purpose of encouraging outstanding students to teach in the public schools of the commonwealth by providing financial assistance for the repayment of qualified education loans, as defined below. The program shall be administered by the secretary of education in accordance with guidelines promulgated by the higher education coordinating council. The program shall be subject to appropriation.

The term "qualified education loan" shall mean any indebtedness including interest on such indebtedness incurred to pay tuition or other direct expenses incurred in connection with the pursuit of an undergraduate or graduate degree by an applicant, but shall not include loans made by any person related to the applicant.

The council shall promulgate guidelines governing the attracting excellence to teaching program. These guidelines shall include the following provisions:

(1) eligibility for the program shall be limited to persons who have graduated in the top quarter of their undergraduate classes, as certified by the institution attended by the applicant;

(2) eligibility shall be limited to persons entering the teaching profession after July first, nineteen hundred and ninety-four;

(3) the commonwealth shall repay a participating teacher's student loan at a rate not to exceed one hundred and fifty dollars per month for a period not to exceed forty-eight months;

(4) repayment shall be made to the participating teacher annually upon the presentation by the participating teacher of satisfactory evidence of payments under the loan;

(5) payments by the commonwealth shall cover only loan payments made by the participating teacher in the months during which the participating teacher teaches in public school in the commonwealth;

(6) the program may or may not be limited to teachers who teach in school districts designated by the board of education;

(7) the program shall set forth an affirmative action policy and specific annual affirmative action goals. The council shall annually publish a report detailing its efforts to publicize the loan repayment program in order to advance the goals of this affirmative action policy and its success in meeting those goals.

Expenses for administration of the program may be retained in an interest bearing trust fund to be established by the secretary and expended for the costs of administering the program without further appropriation, and any funds remaining in the trust fund at the termination of the program shall be returned to the General Fund.

SECTION 23. Said chapter 15A is hereby further amended by adding the following section:-

Section 39. A qualified student enrolled in a public secondary school may enroll as a student in Massachusetts public institutions of higher education. The student shall earn both secondary school and college credits. Students may enroll either full time or for individual courses. The secretary in consultation with the council and the board of education, shall define which students may qualify for this program, establish criteria for admission, and otherwise administer this program.

SECTION 24. Section 27C of chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following subsection:-

(h) This section shall apply to regional school districts and educational collaboratives organized pursuant to section four E of chapter forty, to the same extent as it applies to cities and towns. A regional school district may

accept a law, rule or regulation by vote of its school committee, and an educational collaborative by vote of its board of directors.

SECTION 25. Said chapter 29 is hereby further amended by inserting after section 31D the following section:-

Section 31E. Notwithstanding any general or special law to the contrary, a state employee, during working hours and at such times as are approved by his supervisor and in accordance with regulations promulgated hereunder, may, without loss of salary, provide voluntary services at a public elementary, secondary or vocational-technical school to assist the improvement of a student's or school's educational program; provided, however, that said voluntary services do not exceed seven hours per week. There shall be no requirement that the employee have a child as a student in the school or school district. Said services shall not be compensated by a school.

SECTION 26. Section 3C of chapter 60 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:-

Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial aid to deserving city and town residents in accordance with this section and to establish a city or town educational fund, the purpose of which shall be to provide supplemental educational funding for local educational needs.

Any amounts donated to the scholarship fund or educational fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned

upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund, there shall be a scholarship committee and educational fund committee to consist of the superintendent of the city or town schools or designee thereof, and no fewer than four residents of the city or town appointed by the board of selectmen to a term of three years. The scholarship committee or educational fund committee shall select the recipients of and amounts of financial aid from the scholarship fund and educational fund and shall be guided by any criteria established by the scholarship committee or educational fund committee subject to any ordinance or by-law and further subject to the following criteria:

(a) The recipients of financial aid must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution deemed accredited by the committee.

(b) The committee shall take into consideration each recipients financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

SECTION 27. Chapter 69 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. It is hereby declared to be a paramount goal of the commonwealth to provide a public education system of sufficient quality to extend to all children the opportunity to reach their full potential and to lead lives as participants in the political and social life of the commonwealth and as contributors to its economy. It is therefore the intent of this title to ensure: (1) that each public school classroom provides the conditions for all pupils to engage fully in learning as an inherently meaningful and enjoyable activity without threats to their sense of security or self-esteem, (2) a consistent commitment of resources sufficient to provide a high quality public education to every child, (3) a deliberate process for establishing and achieving specific educational performance goals for every child, and (4) an effective mechanism for monitoring progress toward those goals and for holding educators accountable for their achievement.

SECTION 28. Said chapter 69 is hereby further amended by striking out section 1A, as so appearing, and inserting in place thereof the following section:-

Section 1A. There shall be a department of education, hereinafter called the department, which shall be under the supervision and management of a commissioner of education, hereinafter called the commissioner. Said commissioner shall be appointed pursuant to section one of chapter fifteen and shall devote full time to the duties of the office.

The commissioner, with the approval of the board of education, hereinafter called the board, shall establish such bureaus and other offices and employ such staff and consultants as may be necessary for the proper and efficient administration of the department.

The commissioner shall propose a budget to the board; said budget shall reflect the goals and objectives of the board. Upon approval by the board, the commissioner shall submit the department's budgetary proposals simultaneously to the house and senate committees on ways and means, the joint committee on education, arts and humanities, and to the secretary of education, who shall review and transmit said budget to the secretary of administration and finance.

The commissioner shall analyze the present and future goals, needs and requirements of public early childhood, elementary, secondary and vocational-technical education in the commonwealth and recommend to the board comprehensive means to achieve a well-coordinated system of high achievement in public education in the commonwealth.

The commissioner shall prepare a five year master plan for public early childhood, elementary, secondary, and vocational-technical education in the commonwealth. The master plan shall include, but not be limited to, enrollment projections, utilization of existing facilities, promotion of research, programmatic excellence, community service activities and community school activities, recommendations for the construction or acquisition of new facilities, program distribution and the need for program revision, including the termination of absolute or unnecessarily duplicative programs. Said master plan along with an annual progress report shall reflect the goals and standards established by the board.

The commissioner shall receive reports, undertake research, and facilitate coordination among and between school districts.

The commissioner shall assist school districts in the development of school based management systems. Such assistance shall focus on the implementation of participatory management systems involving all school based professionals, parents, and on the secondary level, students.

The commissioner shall encourage and facilitate the adoption of regional districts to improve the delivery of a quality public education in an economical manner. The commissioner shall encourage and facilitate the use of existing, or the formation of new, educational collaboratives to foster interdistrict cost effective purchasing, management collaboration, sharing of resources and other multipurpose educational activities.

The commissioner shall facilitate partnerships of public early childhood, elementary, secondary and vocational-technical schools with civic, conservation, business, cultural and labor organizations, and with institutions of higher education particularly through the development of regional teacher centers and the expansion of the Bay State centers for global education, to enhance educational programs.

The commissioner shall assess the effectiveness and monitor the improvement of the public schools in each district, including charter schools.

The commissioner shall assess current programs of alternative education and shall develop a statewide action plan to expand and improve the delivery of alternative education programs.

The commissioner shall recommend, to the board, changes necessary to the competency determination as appropriate to reflect evolving notions of vocational education.

The commissioner shall appoint independent fact-finding teams to assess the reasons for a school or school district's under-performance under sections one J and one K, and shall assess the prospects for school district improvement. The commissioner shall also supervise the receiver of a school district declared to be chronically under-performing under said sections one J and one K, and shall provide technical assistance to a school or school district deemed under-performing or chronically under-performing pursuant to said sections one J and one K.

The commissioner shall initiate the process for selecting a list of impartial arbitrators as provided in sections thirty-eight, forty-one and forty-two of chapter seventy-one and, upon receipt of a request for review pursuant

thereto, the commissioner shall provide the names of three arbitrators as provided therein.

SECTION 29. Said chapter 69 is hereby further amended by inserting after section 1A the following eleven sections:-

Section 1B. The board shall establish policies relative to the education of students in public early childhood, elementary, secondary and vocational-technical schools. The board shall be the state agency responsible for the administration of vocational education and the supervision of the administration thereof by local educational agencies.

For the purposes of this section the term "local educational agency" shall mean any agency which has administrative control and direction of a vocational education program funded in whole or in part by federal funds.

The board shall establish standards for certifying all teachers, principals, and administrators in public early childhood, elementary, secondary and vocational-technical schools, as provided in and subject to section thirty-eight G of chapter seventy-one.

The board shall promote the implementation of participatory management systems involving school based personnel and school councils.

The board shall provide technical assistance, curriculum, materials, consultants, support services and other services to schools and school districts, to encourage programs for gifted and talented students.

The board shall publish profiles of each public elementary and secondary school and school district in the commonwealth, providing information concerning student achievement of performance goals, school spending, special programs, curriculum offerings, qualifications of teaching staff, and other information which may be pertinent to teachers, parents, students, and elected officials regarding the performance of said schools and school districts. These profiles shall be in a form readily comprehensible by the general public and shall permit meaningful comparisons among individual schools and school districts. The board also shall identify those schools and school districts that are particularly successful in improving the performance of the students whom they serve and shall undertake to analyze and publish the strategies employed by such schools and districts for the purpose of recognizing the efforts of the educators involved and of encouraging the replication, where appropriate, of their successful strategies. In producing said profiles and review of successful strategies, the board shall have access to all information

gathered by the secretary of education and the joint committee on education of the general court, which may be relevant to the production of said profiles and review. The board shall release its report annually on or before the thirtieth day of June, and shall make said report available to the public.

The board may withhold state and federal funds from school committees which fail to comply with the provisions of law relative to the operation of the public schools or any regulation of said board authorized in this section.

The board shall see to it that all school committees comply with all laws relating to the operation of the public schools and in the event of noncompliance the commissioner of education shall refer all such cases to the attorney general for appropriate action to obtain compliance.

The board shall establish the standards for the recognition of high achievement by students and school districts.

The board shall establish the process and standards for declaring a school or school district to be "under-performing" or "chronically under-performing" in accordance with the provisions of this chapter.

The board shall review and approve federal grant applications for public early childhood, elementary, secondary and vocational-technical schools and may develop guidelines as needed for the disbursement of such funds in accordance with law. The board shall be the approving authority for all federal educational grants and programs to be undertaken by public early childhood, elementary, secondary and vocational-technical schools in the commonwealth. The board shall be the state education agency for purposes of federal law.

The board shall establish guidelines for establishing systems of personnel evaluation, including teacher performance standards. Public school districts in the commonwealth shall be encouraged to develop programs and standards which provide for a more rigorous and comprehensive evaluation process. Said guidelines shall be reviewed at least every other school year.

The board shall seek, accept, establish and administer grants, gifts, awards, and trusts for public early childhood, elementary, secondary and vocational-technical education from foundations, corporations, individuals and federal agencies, and develop guidelines as needed for the disbursement of such funds in accordance with applicable law and pursuant to the terms of the grant, gift, award or trust.

The board shall establish the criteria to define areas with a high number of low-income children for purposes of the school breakfast program, the early childhood program and any other program focused on low-income children.

The board shall establish minimum standards for all public early childhood, elementary, secondary and vocational-technical school buildings, subject to the provisions of the state building code. The board shall establish standards to ensure that every student shall attend classes in a safe environment.

The board shall, in coordination with local school districts, improve the management and efficiency of public early childhood, elementary, secondary and vocational-technical schools and school districts.

The board shall encourage the collaboration between local school districts, vocational-technical school districts, and regional employment boards to prepare students for the employment needs of the region.

The board shall establish a policy to ensure that, so far as practical, school districts distribute financial resources equitably among all schools in the district.

The board shall establish maximum pupil-teacher ratios for classes in public elementary and secondary schools.

The board shall establish the permissible and mandatory ages for school attendance and shall consider the advisability of raising the minimum age for attendance in the first grade to the national average age for such attendance.

The board shall carry out its responsibilities with a view toward increasing the accountability and effectiveness of public early childhood, elementary, secondary and vocational-technical schools and school districts for the performance of the students they serve.

The board shall establish such other policies as it deems necessary to fulfill the purposes of this chapter and chapters fifteen, seventy, seventy-one A, seventy-one B, and seventy-four. In accordance with the provisions of chapter thirty A, the board may promulgate regulations as necessary to fulfill said purposes. Said regulations shall be promulgated so as to encourage innovation, flexibility and accountability in schools and school districts.

The board shall establish an executive committee and such other committees as it may from time to time deem necessary.

Section 1C. The board shall establish minimum nutritional standards for all school food services in all public early childhood, elementary, secondary, and vocational-technical schools. The board shall require all public schools to make lunches available to children. Standards and regulations of the board promulgated pursuant to this paragraph shall be adopted in the following manner. A copy of such regulations and standards shall be filed by the board with the clerk of the house of representatives and of the senate who shall refer such regulations and standards to the joint committee on education, arts and humanities of the general court for review. Within thirty days after such filing, said committee shall hold a public hearing on the regulations and standards, shall issue a report, and file a copy thereof with the board of education. The board shall adopt final regulations and standards making such revisions in the interim regulations and standards as it deems appropriate in view of such report and shall forthwith file a copy of the regulations and standards with chairpersons of said committee of the general court and not earlier than thirty days after the date of such filing, the board shall file the final regulations and standards with the state secretary and the said regulations shall thereupon take effect.

The board shall further require all public schools which draw their attendance from areas with a high number of needy children, as defined by the board, to make school breakfast programs available to children, and to operate such programs in accordance with the federal laws and regulations pertaining to school breakfast programs. Such breakfast programs shall be made available to children who do not qualify for free or reduced price breakfast under federal income eligibility guidelines at a price to each such child which is not less than the cost to the school of making such breakfast available to such child. The commonwealth shall reimburse each city or town required by this paragraph to make school breakfast programs available to children who qualify for free or reduced price meals pursuant to federal income eligibility guidelines, at a uniform rate determined pursuant to the following paragraph, which rate shall provide for the payment by the commonwealth of the reasonable costs of making breakfast available to such children, reduced by the amount of revenue received by the city or town from federal reimbursements or any other source with respect to the provision of such breakfasts. The department shall make said reimbursements in accordance with the same schedule as federal reim-

bursements are made to the city or town with respect to such breakfast programs.

The secretary for administration and finance shall convene a working committee made up of his own designee, a designee of the Massachusetts school committee association and a designee of the Massachusetts school business managers association, a designee of the commissioner of education and a designee of the local government advisory committee to establish guidelines for the purposes of reimbursing cities and towns for the reasonable costs associated with the implementation of school breakfast programs pursuant to the preceding paragraph. Such guidelines shall be filed by the working committee with the clerk of the house of representatives and senate only upon approval of said committee. Reimbursements of costs made pursuant to such guidelines shall constitute complete satisfaction of the obligation of the commonwealth to assume such costs pursuant to any general or special law.

Section 1D. The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.

The board shall direct the commissioner to institute a process to develop academic standards for the core subjects of mathematics, science and technology, history and social science, English, foreign languages and the arts. The standards shall cover grades kindergarten through twelve and shall clearly set forth the skills, competencies and knowledge expected to be possessed by all students at the conclusion of individual grades or clusters of grades. The standards shall be formulated so as to set high expectations of student performance and to provide clear and specific examples that embody and reflect these high expectations, and shall be constructed with due regard to the work and recommendations of national organizations, to the best of similar efforts in other states, and to the level of skills, competencies and knowledge possessed by typical students in the most educationally advanced nations. The skills, competencies and knowledge set forth in the standards shall be expressed in terms which lend themselves to objective measurement, define the performance outcomes expected of both students directly entering the workforce and of students pursuing higher education, and facilitate comparisons with students of other states and other nations.

The standards shall provide for instruction in at least the major principles of the Declaration of Independence, the United States Constitution, and the Federalist Papers. They shall be designed to inculcate respect for the

cultural, ethnic and racial diversity of the commonwealth and for the contributions made by diverse cultural, ethnic and racial groups to the life of the commonwealth. The standards may provide for instruction in the fundamentals of the history of the commonwealth as well as the history of working people and the labor movement in the United States. The standards may provide for instruction in the issues of nutrition, physical education, AIDS education, violence prevention, and drug, alcohol and tobacco abuse prevention. The board may also include the teaching of family life skills, financial management and consumer skills, and basic career exploration and employability skills. The board may also include in the standards a fundamental knowledge of technology education and computer science and keyboarding skills; the major principles of environmental science and environmental protection; and an awareness of global education and geography. The board may set standards for student community service-learning activities and programs. The board may also institute a process for drawing up additional standards in other areas of education.

Academic standards shall be designed to avoid perpetuating gender, cultural, ethnic or racial stereotypes. The academic standards shall reflect sensitivity to different learning styles and impediments to learning. The board shall develop procedures for updating, improving or refining standards, but shall ensure that the high quality of the standards is maintained. A copy of said standards shall be submitted to the joint committee on education, arts, and humanities at least sixty days prior to taking effect. The standards shall also include criteria for three determinations or certificates as follows:

(1) The "competency determination" shall be based on the academic standards and curriculum frameworks for tenth graders in the areas of mathematics, science and technology, history and social science, and English, and shall represent a determination that a particular student has demonstrated mastery of a common core of skills, competencies and knowledge in these areas, as measured by the assessment instruments described in section one I. Satisfaction of the requirements of the competency determination shall be a condition for high school graduation. If the particular student's assessment results for the tenth grade do not demonstrate the required level of competency, the student shall have the right to participate in the assessment program the following year or years. Students who fail to satisfy the requirements of the com-

petency determination may be eligible to receive an educational assistance plan designed within the confines of the foundation budget to impart the skills, competencies and knowledge required to attain the required level of mastery. The parent, guardian or person acting as parent of the student shall have the opportunity to review the remedial plan with the student's teachers. Nothing in this section shall be construed to provide a parent, guardian, person acting as a parent or student with an entitlement to contest the proposed plan or with a cause of action for educational malpractice if the student fails to obtain a competency determination.

(ii) The "certificate of mastery" shall be based upon a determination that the recipient has demonstrated mastery of a comprehensive body of skills, competencies and knowledge comparable to that possessed by accomplished graduates of high school or equivalent programs in the most advanced education systems in the world. The criteria for a certificate of mastery may incorporate a number of factors which may include, but not be limited to, any of the following: high school graduation standards, superior performance on advanced placement tests administered by the educational testing service, and demonstrated excellence in areas not reflected by the state's assessment instruments, such as artistic or literary achievement. Eligibility for potential receipt of a certificate of mastery shall extend to all secondary students residing in the commonwealth.

(iii) The "certificate of occupational proficiency" shall be awarded to students who successfully complete a comprehensive education and training program in a particular trade or professional skill area and shall reflect a determination that the recipient has demonstrated mastery of a core of skills, competencies and knowledge comparable to that possessed by students of equivalent age entering the particular trade or profession from the most educationally advanced education systems in the world. No student may receive said certificate of occupational proficiency without also having acquired a competency determination.

Nothing in this chapter shall prohibit a student from beginning a program of vocational education before achieving a determination of competency. Such vocational education may begin at grade nine, ten or eleven. No provision of law shall prohibit concurrent pursuit of a competency determination and vocational learning. There shall be no cause of action for a parent, guardian or

student who fails to obtain a competency determination, a certificate of mastery or a certificate of occupational proficiency.

Subject to appropriation, the board shall establish a grant program which shall award grants to school districts for the costs associated with establishing advanced placement courses. The board shall promulgate regulations defining the standards of eligibility and other implementation guidelines.

Subject to appropriation, the board shall establish an advanced placement test fee grant program which shall award grants to school districts for the reimbursement of application fees for students based on financial need in order to assist students with paying the fee for advanced placement tests. The board shall promulgate regulations defining the standards of eligibility and other implementation guidelines for this program.

Section 1E. The board shall direct the commissioner to institute a process for drawing up curriculum frameworks for the core subjects covered by the academic standards provided in section one D. The curriculum frameworks shall present broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by these standards. The process for drawing up and revising the frameworks shall be open and consultative, and may include but need not be limited to classroom teachers, parents, faculty of schools of education, and leading college and university figures in both subject matter disciplines and pedagogy. In drawing up curriculum frameworks, those involved shall look to curriculum frameworks, model curricula, content standards, attainment targets, courses of study and instruction materials in existence or in the process of being developed in the United States and throughout the world, and shall actively explore collaborative development efforts with other projects, including but not limited to the national New Standards Project. The curriculum frameworks shall provide sufficient detail to guide and inform processes for the education, professional development, certification and evaluation of both active and aspiring teachers. They shall provide sufficient detail to guide the promulgation of student assessment instruments. They shall be constructed to guide and assist teachers, administrators, publishers, software developers and other interested parties in the development and selection of curricula, textbooks, technology and other instructional materials, and in the design of pedagogical approaches and techniques for early childhood programs and elementary, secondary and vocational-technical schools. The board may review and recommend in-

structional materials which it judges to be compatible with the curriculum frameworks.

Frameworks shall be designed to avoid perpetuating gender, cultural, ethnic or racial stereotypes. The frameworks shall reflect sensitivity to different learning styles and impediments to learning. The board shall develop procedures for updating, improving or refining said curriculum frameworks. A copy of said frameworks shall be submitted to the joint committee on education, arts and humanities at least sixty days prior to taking effect.

Section 1F. The board shall set standards for vocational-technical education and programs for school-to-work transition. The board shall give particular emphasis for setting standards for the integration of academic and vocational education and to the progress in educating students for all aspects of a chosen industry.

The board shall assess progress in the areas of integration of academic and vocational education, and education for all aspects of an industry by assessing curriculum plans, staffing patterns, and other factors the board deems pertinent to said assessment.

The board shall, subject to appropriation, establish demonstration grants to develop alternative education program models. Said grants shall be awarded to public or public/private entities in an effort to design programs for students who may be identified as having difficulty achieving a certificate of initial mastery, and which assist students in achieving said certificate or moving directly into the work force.

The board shall, subject to appropriation, establish a grant program to create job compacts for communities to coordinate summer and after school employment opportunities for students. Eligible districts shall demonstrate private sector participation in the compact which helps to provide work opportunities for students.

The board shall, with the assistance of the higher education coordinating council and subject to appropriation, establish grants for technology preparation programs. Said grants shall be available to all public secondary schools in the commonwealth and public institutions of higher education for the purposes of improving collaboration between secondary and post-secondary technology programs.

The board shall, with the assistance of the higher education coordinating council and subject to appropriation, establish four demonstration grants to

consortia of vocational schools, comprehensive secondary schools, and community colleges to promote further collaboration between grades nine through twelve and higher education institutions.

Section 1G. The board shall establish the minimum length for a school day and the minimum number of days in the school year.

Section 1H. Notwithstanding any general or special law to the contrary, the department, in coordination with other state agencies, shall develop a comprehensive system, subject to appropriation, for the delivery of adult basic education and literacy services that will ensure opportunities leading to universal basic adult literacy and better employment opportunities. Said system shall be designed to strengthen, enhance, and where needed, to create intensive community based literacy programs for AFDC recipients and other unemployed and marginally employed adults who need a foundation of basic skills to qualify for further education, job training and employment. These trainees shall include parents of young children who need strong basic skills to move their families out of poverty and raise the educational aspirations of their children.

Said system shall also include instruction for immigrants, migrants, and refugees who need English language and literacy skills to function effectively at home and in the workplace. Instruction to the aforesaid populations will emphasize instruction at the lowest grade levels.

Said system shall further include instruction for young persons, aged sixteen through twenty-four, who have dropped out of school without sufficient skills to qualify for employment. Instruction shall be designed with emphasis on linking education with vocational training and supported work.

The department shall distribute grants, subject to appropriation, to provide comprehensive literacy services, including support services, in the context of adults' daily lives in their communities, including, but not limited to, public housing, schools, the work place, correctional institutions, community-based organizations, community colleges, libraries, and in social and cultural organizations.

The department shall endeavor to develop the following objectives: (1) a full continuum of services that take an adult from the lowest level of literacy or English language proficiency through high school completion leading to advanced education and training; (2) a network of self-trained, full-time adult literacy and English as a second language professional instructors,

qualified to provide high quality effective services; (3) a strong documentation and evaluation capacity that will enable the state to determine what methods of instruction and what means of service delivery are most effective in educating adults; and (4) coordinated accountability mechanisms that simplify existing reporting and refunding processes.

Section 11. The board shall adopt a system for evaluating on an annual basis the performance of both public school districts and individual public schools. With respect to individual schools, the system shall include instruments designed to assess the extent to which schools and districts succeed in improving or fail to improve student performance, as defined by student acquisition of the skills, competencies and knowledge called for by the academic standards and embodied in the curriculum frameworks established by the board pursuant to sections one D and one E in the areas of mathematics, science and technology, history and social science, English, foreign languages and the arts, as well as by other gauges of student learning judged by the board to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

The system shall be designed both to measure outcomes and results regarding student performance, and to improve the effectiveness of curriculum and instruction. In its design and application, the system shall strike a balance among considerations of accuracy, fairness, expense and administration. The system shall employ a variety of assessment instruments on either a comprehensive or statistically valid sampling basis. Such instruments shall be criterion referenced, assessing whether students are meeting the academic standards described in this chapter. As much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples, projects and portfolios, and shall facilitate authentic and direct gauges of student performance. Such instruments shall provide the means to compare student performance among the various school systems and communities in the commonwealth, and between students in other states and in other nations, especially those nations which compete with the commonwealth for employment and economic opportunities. The board shall take all appropriate action to bring about and continue the commonwealth's participation in the assessment activities of the National Assessment of Educational Progress and in the development of standards and assessments by the New Standards Program.

In addition, comprehensive diagnostic assessment of individual students shall be conducted at least in the fourth, eighth and tenth grades. Said diagnostic assessments shall identify academic achievement levels of all students in order to inform teachers, parents, administrators and the students themselves, as to individual academic performance. The board shall develop procedures for updating, improving or refining the assessment system.

The assessment instruments shall be designed to avoid gender, cultural, ethnic or racial stereotypes and shall recognize sensitivity to different learning styles and impediments to learning. The system shall take into account on a nondiscriminatory basis the cultural and language diversity of students in the commonwealth and the particular circumstances of students with special needs. Said system shall comply with federal requirements for accommodating children with special needs. All potential English proficient students from language groups in which programs of transitional bilingual education are offered under chapter seventy-one A shall also be allowed opportunities for assessment of their performance in the language which best allows them to demonstrate educational achievement and mastery. For the purposes of this section, a "potential English proficient student" shall be defined as a student who is not able to perform ordinary class work in English; provided, however, that no student shall be allowed to be tested in a language other than English for longer than three consecutive years.

The commissioner is authorized and directed to gather information, including the information specified herein and such other information as the board shall require, for the purposes of evaluating individual public schools, school districts, and the efficacy and equity of state and federal mandated programs. All information filed pursuant to this section shall be filed in the manner and form prescribed by the department.

Each school district shall maintain individual records on every student and employee. Each student record shall contain a unique and confidential identification number, basic demographic information, program and course information, and such other information as the department shall determine necessary. Said records shall conform to parameters established by the department.

Each school district shall file a report with the department every year by a date and in a format determined by the board. Said report shall include, but not be limited to, the following:

- (a) an outline of the curriculum and graduation requirements of the district;
- (b) pupil/teacher ratios and class size policy and practice;
- (c) teacher and administrator evaluation procedures;
- (d) statistics, policies, and procedures relative to truancy and dropouts;
- (e) statistics, policies, and procedures relative to expulsions and in-school and out-of-school suspensions;
- (f) percent of school-age children attending public schools;
- (g) racial composition of teaching and administrative staff;
- (h) enrollment and average daily attendance;
- (i) the annual budgets and expenditures for both the district and the individual schools in the district.

Each school district shall file a description of the following instructional procedures and programs with the department every year:

- (a) art and music programs;
- (b) technology education;
- (c) programs for gifted and talented students;
- (d) adult education programs;
- (e) library and media facilities;
- (f) condition of instructional materials including textbooks, workbooks, audio-visual materials, and laboratory materials;
- (g) types and condition of computers and computer software;
- (h) basic skills remediation programs;
- (i) drug, tobacco and alcohol abuse programs;
- (j) technology education;
- (k) multi-cultural education training for students and teachers; and
- (l) global education.

Each school district shall furnish to the department in a timely manner such additional information as the department shall request.

Each school district required to provide a program in transitional bilingual education pursuant to chapter seventy-one A shall file the following information with the department every year:

- (a) the type or types of transitional bilingual education programs provided;

(b) with regard to children of limited English speaking ability (i) the number enrolled in each type of transitional bilingual education program; (ii) the number enrolled in English as a second language courses who are not enrolled in a program in transitional bilingual education; (iii) the results of basic skills, curriculum assessment, achievement and language proficiency testing, whether administered in English or in the native language; (iv) the absentee, suspension, expulsion, dropout and promotion rates;

(c) the number of students each year who have enrolled in institutions of higher education and were formerly enrolled in a program in transitional bilingual education;

(d) the academic progress in regular education of students who have completed a program in transitional bilingual education;

(e) for each child of limited English speaking ability receiving special education, the number of years in the school district prior to special education evaluation and the movement in special education programs by program prototype;

(f) the number of limited English proficient students enrolled in programs of occupational/vocational education;

(g) the name, national origin, native language, certificates held, language proficiency, grade levels and subjects taught by each bilingual or English as a second language (ESL) teacher, bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors, and bilingual school psychologists;

(h) the per pupil expenditures for each full time equivalent (FTE) bilingual program student;

(i) the sources and amounts of all funds expended on bilingual program students, broken down by local, state and federal sources and whether any such funds expended supplanted, rather than supplemented, the local school district obligation; the participation of parents through parent advisory councils; and

(j) whether there were any complaints filed with any federal or state court or administrative agency, since the program's inception, concerning the compliance with federal or state minimum legal requirements, the disposition of each such complaint, and the monitoring and evaluation of any such agreement or court order relative to such complaint.

Said information shall be filed in the form of the total for the school district as well as categorized by school, grade and language.

Section 1J. The board shall establish regulations defining when a school or school district has chronically failed to improve the educational program provided to students served by the school or district. Such regulations shall be consistent with the goals and standards adopted by the board and the basis for the determination of chronic failure shall include, but not be limited to, the evaluations performed pursuant to section one I. The regulations adopted by the board shall take into account the turnover of students in particular schools and districts.

Schools that have consistently failed to improve the academic performance of their students shall be deemed under-performing, in accordance with the board's regulations. Upon determination that a school is under-performing, the commissioner shall immediately appoint an independent fact-finding team which shall forthwith assess the reasons for the under-performance and the prospects for improvement and report its findings to the commissioner and the district in which the school is located no later than ninety days from the date of its appointment. No more than six months after the determination that a school is under-performing, the district in which the school is located shall present to the board a remedial plan that shall set forth specific goals for improvement, specific means for attaining such goals, and a timetable, not to exceed twenty-four months, for carrying out the plan. The district shall implement said remedial plan, with such changes or amendments as the board shall direct. During the period of implementation, the commissioner shall provide to the school technical assistance for the improvement of the educational program provided to the students served therein.

If the school fails to demonstrate significant improvement as dictated by its remedial plan within twenty-four months after the approval of its remedial plan, the board may declare the school to be chronically under-performing. Upon a determination that a school is chronically under-performing, the following steps may be taken:

(1) The principal of the school shall be immediately removed and shall not be assigned to the school for the following school year unless the board finds that the principal did not play a significant role in the under-performance of the school;

(2) The superintendent may designate a new principal for the school. Any principal of a chronically under-performing school shall have such extraordinary powers, including the power to dismiss, in accordance with paragraph (4),

any teacher or other employee assigned to the school without regard to the procedures set forth under sections forty-one and forty-two of chapter seventy-one or the provisions of any collective bargaining agreement. Such dismissed teachers shall otherwise retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school:

(3) In order to recruit and retain talented personnel, the commissioner may make available funds, subject to appropriation, to permit the superintendent during the period of remediation to increase the salary of any principal or teacher assigned to the school by not more than one percent for every ten percent of the enrollment of the chronically under-performing school comprised of low-income students, as that term is used in chapter seventy;

(4) If the school does not receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district, the district shall provide additional funding sufficient to bring funding for that school to such level;

(5) Such other actions determined by the board of education, to be reasonably calculated to increase the number of students attending the school who satisfy the student performance standards.

A principal appointed to a chronically under-performing school may dismiss a teacher with professional teacher status for good cause, provided that the teacher has received five school days written notice of the decision to terminate. The teacher with professional teacher status may seek review of a termination decision within five school days after receiving notice of his termination by filing a petition for expedited arbitration with the commissioner. An arbitrator shall be selected according to the procedures set forth in section forty-two of chapter seventy-one. In reviewing dismissal decisions, the arbitrator shall consider the chronic under-performance of the school to the degree that such under-performance is not due to factors beyond the control of the teacher, and the arbitrator shall consider any report from the fact-finding team that evaluates the teacher's performance. The arbitrator's decision shall be issued within ten school days from the completion of the hearing.

Section 1K. Upon a determination by the board pursuant to regulations adopted by the board that a school district has consistently failed to improve the performance of students attending school in the district, the commissioner shall appoint an independent fact-finding team to assess the reasons for the

under-performance and the prospects for improvement. Upon review of the conclusions of the fact-finding team, the board may declare the district chronically under-performing. Following such a declaration, the board shall designate a receiver for the district with all the powers of the superintendent and school committee. The receiver shall report directly to the commissioner.

If a municipality has failed to fulfill its fiscal responsibilities to education under chapter seventy, the commissioner shall recommend to the board that the district be declared chronically under-performing. The municipality's mayor or chairman of the board of selectmen shall have the opportunity to present evidence to the board. A vote by the board that a school district is chronically under-performing for fiscal reasons shall authorize the commissioner to petition the commissioner of revenue to require an increase in funds for the school district, alleging that the amount necessary in said community for the support of public schools has not been included in the annual budget appropriations. The commissioner of revenue shall determine the amount of any deficiency pursuant to the sums required under chapter seventy, if any, and issue an order compelling the community to provide a sum of money equal to such deficiency. If the community does not provide a sum of money equal to such deficiency, the commissioner of revenue, in accordance with his powers in section twenty-three of chapter fifty-nine, shall not approve the tax rate of the community for the fiscal year until the deficiency is alleviated. This section shall not be construed to create a cause of action for educational malpractice by students or their parents, guardians or persons acting as parents.

At any time after the imposition under this section or section one J of extraordinary measures at any school or of a receiver for any district, the school committee of the affected district, acting on the recommendation of the superintendent, may petition the commissioner for a determination whether such measures or receivership should be modified or eliminated and whether the school or school district is no longer chronically under-performing. A school district may seek review by the board of any adverse determination. The determination of the board shall be subject to judicial review in accordance with the provisions of section fourteen of chapter thirty A.

Section 1L. Subject to appropriation, the board shall establish a comprehensive interdisciplinary health education and human service discretionary grant program. Funds for this program may be appropriated from the Health

Protection Fund established by section two T of chapter twenty-nine. Comprehensive interdisciplinary health education and human service programs shall include, but not be limited to, planning and coordination activities, curriculum development, in-service training components for all school staff, in-service education, instruction, school counseling services, health service delivery, promotion of knowledge of child development and appropriate care, effective parenting skills for parents and adolescents, and parent education services which will promote improved home based learning, the prevention of substance abuse, tobacco use, family violence, child abuse and neglect, teenage pregnancy and eating disorders, AIDS and suicide, and promote sound health practices including nutritional health and emotional development, improved school counseling services, early intervention services for high risk students, peer counseling and education, incentives for participation by students of both sexes, and increased coordination between schools, parents and existing community services, especially for those students most in need. As the primary educators of their children, parents shall play a substantial role in the design, development and implementation of programs and curriculum.

Instruction in health education shall include, but shall not be limited to, consumer health, ecology, community health, body structure and function safety, nutrition, fitness and body dynamics, dental health, emotional and character development, promotion of self-esteem skills, AIDS/HIV prevention education in accordance with policies or regulations of the board, and training in the administration of first aid, including cardiopulmonary resuscitation.

The board shall solicit proposals for comprehensive interdisciplinary health education and human service programs for students in grades kindergarten through twelve, inclusive. Applications shall include evidence of a district-wide needs assessment and planning processes, program objectives and activities, anticipated results, and evaluation plan, and proposed linkages with community health and human service agencies and existing school programs. Proposals which describe linkages with other health and human service agencies and existing programs under chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five which provide matching funds from local, federal and private sources shall be given priority.

Each school committee shall appoint an advisory council consisting of parents, junior and senior high school students, teachers, school counseling pro-

professionals, health and home economic educators, health professionals, school administrators, and representatives of community or regional health or social service agencies and representatives of local religious organizations.

Funds may be granted to a school district to provide for program coordinators, in-service training and program materials. It shall not be the primary focus of programs to finance various school-based clinics.

If the board rejects a proposal of a school committee under this section, then the board shall provide the respective school committee with a written explanation for rejection. The written explanation for rejection shall state the reasons for the rejection and suggest recommendations for resubmission.

Programs and services provided by this program shall supplement, not supplant, programs and services provided under chapters seventy-one A, seventy-one B, and seventy-four. At least fifty percent of said funds shall be allocated to programs serving low-income sites, as determined by the board. No more than ten percent of said funds shall be allocated for state administration of the program.

Notwithstanding any general or special law to the contrary, any grant funds distributed under this program shall be deposited with the treasurer of the city, town or regional school district and held in a separate account and shall be expended by the school committee without further appropriation.

The board, through the department, shall administer the discretionary grant program, provide technical assistance to school districts, including information about model programs and agency services, provide for program review and evaluation, and, in consultation with the members of the state advisory council, develop program guidelines for coordinated service delivery and shall establish standards against which programs may be judged for efficiency and effectiveness.

SECTION 30. Section three of said chapter sixty-nine is hereby repealed.

SECTION 31. Section thirty-five of said chapter sixty-nine is hereby repealed.

SECTION 32. The General Laws are hereby further amended by striking out chapter 70 and inserting in place thereof the following chapter:-

CHAPTER 70.

SCHOOL FUNDS AND STATE AID FOR PUBLIC SCHOOLS.

Section 1. It is the intention of the general court, subject to appropriation, to assure fair and adequate minimum per student funding for public

schools in the commonwealth by defining a foundation budget and a standard of local funding effort applicable to every city and town in the commonwealth.

Section 2. As used in this chapter and in chapters fifteen, sixty-nine and seventy-one, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Adjusted property valuation", the equalized property valuation of the municipality multiplied by the most recent average annual per capita income for the municipality, divided by the average annual per capita income for the commonwealth for the same period, as reported by the United States bureau of census.

"Assumed tuitioned-out special education enrollment", one percent of the total foundation enrollment in a district, not counting vocational or pre-school enrollment.

"Assumed in-school special education enrollment", three and one-half percent of total foundation enrollment of a district not counting vocational or pre-school enrollment, plus four and one-half percent of vocational enrollment.

"Base aid", in any fiscal year, the total of base aid, minimum aid and foundation aid of the previous fiscal year. In fiscal year nineteen hundred and ninety-four, base aid shall be state school aid in fiscal year nineteen hundred and ninety-three; provided, however, that the amount of aid deemed to have been distributed in fiscal year nineteen hundred and ninety-three pursuant to section sixteen D of chapter seventy-one shall be adjusted to equal the amount that would have been distributed in fiscal year nineteen hundred and ninety-four in accordance with paragraph (e) of section sixteen D of said chapter seventy-one but for the provisions of this chapter and paragraph (f) of said section sixteen D of said chapter seventy-one; and provided, further, that, in determining base aid in the current fiscal year, the base aid amount of the previous fiscal year shall be adjusted by adding any amount that will be deducted in the current fiscal year pursuant to the provisions of section twelve B of chapter seventy-six for students that applied and were accepted at receiving districts during the prior fiscal year; provided, however, that the students identified in subsection (m) of said section twelve B of said chapter seventy-six, shall be deemed to have left during fiscal year nineteen hundred and ninety-three.

"Base year foundation budget", the sum of foundation base year payroll, foundation non-salary base year expenses, the professional development allotment, expanded program allotment, extraordinary maintenance allotment, and book and equipment allotment. The base year foundation is the foundation budget for fiscal year nineteen hundred and ninety-three.

"Board", the board of education.

"Book and equipment allotment", the amounts allotted within a district's foundation budget for books and equipment in any fiscal year. The book and equipment allotment shall be the sum of:

(a) one hundred and twenty-five dollars multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) two hundred and fifty dollars multiplied by the sum of the foundation elementary enrollment, the foundation bilingual enrollment and the foundation junior high/middle school enrollment; plus

(c) four hundred dollars multiplied by the foundation high school enrollment; plus

(d) seven hundred dollars multiplied by the foundation vocational enrollment; plus

(e) two hundred dollars multiplied by the assumed in-school special education enrollment.

"Commissioner", the commissioner of the department of education within the executive office of education.

"Department", the department of education within the executive office of education.

"District" or "School district", the school department of a city or town, and a regional school district.

"Enrollment categories", each student, including students enrolled in special education programs, and students attending a school in another district, pursuant to the provisions of section twelve B of chapter seventy-six, who resides in the district and who attends either a public school in that district or a school for which the district of residence pays tuition, shall be placed in one and only one of the following enrollment categories depending on the grade and program to which the student is assigned:

(A) "Bilingual enrollment", the number of students enrolled in transitional bilingual programs in a district.

(B) "Elementary enrollment", number of students enrolled in grades one through five and not enrolled in bilingual or vocational programs in a district.

(C) "High school enrollment", the number of students enrolled in grades nine through twelve and not enrolled in bilingual or vocational programs in a district.

(D) "Junior high/middle school enrollment", the number of students enrolled in grades six through eight and not enrolled in bilingual or vocational programs in a district.

(E) "Kindergarten enrollment", the number of students enrolled in kindergarten and not enrolled in bilingual or vocational programs in a district.

(F) "Pre-school enrollment", the number of students enrolled in pre-school programs run in connection with the special education program in a district. The foundation pre-school enrollment may not exceed twice the number of pre-school students enrolled under approved individual education plans.

(G) "Vocational enrollment", the number of students enrolled in vocational and occupational education programs or an agricultural school in a district.

"Equalized property valuation", the annual equalized property valuation for a municipality as determined by the department of revenue pursuant to the provisions of sections nine, ten and ten C of chapter fifty-eight.

"Equity aid", aid amounts payable to municipalities in any fiscal year equal to the equity gap multiplied by the foundation aid percent.

"Equity gap", the positive difference, if any, between (1) the positive difference, if any, between the local contribution of the prior fiscal year and the gross standard of effort for that fiscal year and (2) the positive difference, if any, between the prior year net school spending and the prior year foundation budget amount. The equity gap shall be defined separately for each municipality's share of each district of which it is a member.

"Excess debt service amount", shall be the difference, if any, between (i) the municipality's share of long-term debt service in support of school construction and (ii) the statewide average of local share of long-term debt service in support of school construction, on a per pupil basis, multiplied by the foundation number of pupils in the town. For regional school districts, the excess debt service amount shall be allocated amongst member municipalities according to the provisions of the regional school district agreement.

The excess debt service amount for a municipality shall be the sum of the municipality's share of excess debt service amounts for all of the regional districts of which it is a member.

"Expanded program allotment", the amount allotted within a district's foundation budget for providing expanded educational services for low-income students. The expanded program allotment shall be determined by multiplying the number of low-income elementary and middle school students in a district by the wage adjustment factor by three hundred and eighty dollars.

"Extraordinary maintenance allotment", the amount allotted within a district's foundation budget for extraordinary maintenance costs in any fiscal year. The extraordinary maintenance allotment shall be two thousand, two hundred dollars multiplied by the sum of the foundation teaching staff and the foundation support staff.

"Foundation aid", aid amounts payable to municipalities in any fiscal year equal to the foundation gap multiplied by the statewide foundation aid percent.

"Foundation aid percent", the result of dividing (1) the difference between the amount appropriated for the implementation of this chapter and the sum of the total base aid and total minimum aid by (2) the sum of the statewide foundation gap, the state overburden obligation, and the statewide equity gaps.

"Foundation assistants", the number of school assistants or aides allotted within a district's foundation budget in any fiscal year. The number of foundation assistants shall be the sum of:

(a) six thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) twelve thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) two thousandths multiplied by the foundation junior high/middle school enrollment; plus

(d) eight ten-thousandths multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment; plus

(e) one hundred and twenty-five thousandths multiplied by the assumed in-school special education enrollment.

"Foundation athletic expenses", the amount allotted within a district's foundation budget for athletic expenses in any fiscal year. The foundation athletic expenses shall be the sum of:

(a) fifty dollars multiplied by the foundation junior high/middle school enrollment; plus

(b) two hundred dollars multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment.

"Foundation benefits", the amount allotted within a district's foundation budget for the purchase of employee benefits and other insurance in any fiscal year. The foundation benefits shall be the sum of the following:

(a) four thousand three hundred and twenty dollars multiplied by the wage adjustment factor multiplied by the sum of the foundation teaching staff, the foundation support staff, the foundation assistants, the foundation principals, the foundation clerical staff, the foundation health care staff, the foundation central office professional staff and the foundation custodial staff; plus

(b) four hundred and sixty dollars multiplied by the sum of the foundation teaching staff, the foundation support staff, the foundation assistants, the foundation principals, the foundation clerical staff, the foundation health care staff, the foundation central office professional staff and the foundation custodial staff; plus

(c) two hundred and thirty dollars multiplied by the foundation vocational staff.

"Foundation budget", the sum of the foundation payroll, foundation non-salary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment, and book and equipment allotment. The base year for calculating the foundation budget shall be fiscal year nineteen hundred and ninety-three. The base year foundation budget shall be calculated according to the formulas in this section using foundation enrollment as described in this section. For fiscal years thereafter, the foundation budget shall be the base year foundation budget, as adjusted for enrollment and for inflation as set forth in section three of this chapter.

"Foundation central office professional staff", the number of professional staff allotted within a district's foundation budget in any fiscal year for central office duties. The foundation central office professional staff shall be the sum of:

(a) two thousandths multiplied by the total foundation enrollment; plus
(b) fifteen thousandths multiplied by the sum of assumed in-school special education enrollment and assumed tuitioned-out special education enrollment; plus

(c) twenty-five hundred-thousandths multiplied by the foundation vocational enrollment.

"Foundation clerical staff", the number of staff allotted within a district's foundation budget in any fiscal year for clerical duties. The foundation clerical staff shall be the sum of:

(a) two hundred and seventy-five hundred-thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) fifty-five ten-thousandths multiplied by the sum of the foundation elementary enrollment, the foundation bilingual enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment and the foundation vocational enrollment; plus

(c) two hundredths multiplied by the sum of the assumed in-school special education enrollment and the assumed tuitioned-out special education enrollment.

"Foundation custodial staff", the number of staff allotted within a district's foundation budget in any fiscal year for custodial duties. The foundation custodial staff shall be one-tenth multiplied by the sum of the foundation teaching staff and the foundation support staff.

"Foundation enrollment", the student enrollment of a district in any fiscal year. The foundation enrollment is defined as the sum of foundation elementary, junior high, senior high, bilingual, and vocational enrollment plus one-half the sum of foundation pre-school and kindergarten enrollment. By March first of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October.

"Foundation extracurricular activity expenses", the amount allotted within a district's foundation budget for extracurricular activity expenses in any fiscal year. The foundation extracurricular activity expenses shall be the sum of:

(a) twenty-five dollars multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(b) thirty-five dollars multiplied by the foundation junior high/middle school enrollment; plus

(c) forty-five dollars multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment.

"Foundation gap", the positive difference, if any, between (i) the foundation budget in any fiscal year and (ii) the sum of base aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, federal impact aid, and the larger of (1) the prior year local contribution or (2) the standard of effort for that fiscal year. The foundation gap shall be calculated separately for each municipality's share of each district to which it belongs.

"Foundation health care staff", the number of staff allotted within a district's foundation budget to perform health care related duties in any fiscal year. The foundation health care staff shall be the sum of:

(a) one thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) two thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) fifteen ten-thousandths multiplied by the sum of the foundation junior high/middle school enrollment, the foundation high school enrollment and the foundation vocational enrollment.

"Foundation miscellaneous expenses", the amount allotted within a district's foundation budget for miscellaneous activity expenses in any fiscal year. The foundation miscellaneous activity expenses shall be the sum of:

(a) four hundred dollars multiplied by the assumed in-school special education enrollment; plus

(b) seventy-five dollars multiplied by the total foundation enrollment; plus

(c) eleven hundred dollars multiplied by the foundation clerical staff.

"Foundation non-salary expenses", the sum of foundation athletic expenses, foundation extracurricular activity expenses, foundation utility and ordinary maintenance expenses, foundation benefits, foundation special education tuition, and foundation miscellaneous expenses.

"Foundation payroll", the amount allotted within a district's foundation budget for the teaching staff, support staff, assistants, principals, clerical staff, health care staff, central office professional staff, and custodial

staff in any fiscal year. The foundation payroll shall be the wage adjustment factor multiplied by the sum of:

(a) thirty-eight thousand dollars multiplied by the sum of the foundation teaching staff and the foundation support staff; plus

(b) nine thousand dollars multiplied by the foundation assistants; plus

(c) sixty-two thousand dollars multiplied by the sum of (i) foundation principals, and (ii) one and fifteen-hundredths multiplied by the foundation central office professional staff; plus

(d) eighteen thousand five hundred dollars multiplied by the foundation clerical staff; plus

(e) twenty-five thousand dollars multiplied by the foundation health care staff; plus

(f) twenty-five thousand dollars multiplied by the foundation custodial staff.

"Foundation principals", the number of principals allotted within a district's foundation budget in any fiscal year. The foundation principals shall be the sum of:

(a) fifteen ten-thousandths multiplied by the sum of the foundation kindergarten enrollment and foundation pre-school enrollment; plus

(b) three thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) thirty-five ten-thousandths multiplied by the foundation junior high/middle school enrollment; plus

(d) thirty-five ten-thousandths multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment.

"Foundation special education tuition", the amount allotted within a district's foundation budget for special education tuition in any fiscal year. The value shall be the product of thirteen thousand five hundred dollars and the assumed tuitioned-out special education enrollment.

"Foundation support staff", the number of staff allotted within a district's foundation budget for support duties in any fiscal year. The foundation support staff shall be the sum of:

(a) seven hundred and twenty-five hundred-thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) one hundred and forty-five ten-thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) twenty-five thousandths multiplied by the foundation junior high/middle school enrollment; plus

(d) forty-two ten-thousandths multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment; plus

(e) seventy-six thousandths multiplied by the assumed in-school special education enrollment.

"Foundation teaching staff", the number of staff allotted within a district's foundation budget for teaching duties in any fiscal year. The foundation teaching staff, calculated using enrollments as defined in this section, shall be the sum of the following:

(a) the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment divided by forty-four; plus

(b) the foundation elementary enrollment divided by twenty-two; plus

(c) the foundation junior high/middle school enrollment divided by twenty-five; plus

(d) the foundation high school enrollment divided by seventeen; plus

(e) the foundation bilingual enrollment divided by fifteen; plus

(f) the foundation vocational enrollment divided by ten; plus

(g) the assumed in-school special education enrollment divided by eight; plus

(h) three hundredths multiplied by the average number of low-income students attending schools in the district over the preceding two fiscal years.

"Foundation utility and ordinary maintenance expenses", the amount allotted within a district's foundation budget for utility and ordinary maintenance costs in any fiscal year. The foundation utility and ordinary maintenance expenses shall be three thousand three hundred dollars multiplied by the sum of:

(a) the sum of the foundation teaching staff and the foundation support staff; plus

(b) the foundation vocational enrollment divided by thirty.

"Foundation vocational staff", the number of teachers, support staff principals, clerical staff, health care staff and custodial staff assigned to a vocational school or program or an agricultural school allotted within a district's foundation budget in any fiscal year.

"General revenue sharing aid", the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed pursuant to section seventeen of chapter fifty-eight, (2) equity aid as defined in this section, (3) the distribution to cities and towns of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten, and (4) additional assistance, so-called, as distributed pursuant to section eighteen E of chapter fifty-eight.

"Gross overburden amounts", are as follows: for municipalities with an adjusted property valuation per pupil of equal to or less than ninety-five percent of the statewide average, the gross overburden amount shall be one hundred percent of the standard of effort gap. For municipalities with an adjusted property valuation per pupil greater than ninety-five percent of the state average but less than one hundred and twenty percent of the state average, the gross overburden amount shall be the standard of effort gap multiplied by the positive difference between one and one-half and the ratio of the municipality's adjusted property valuation per pupil to the amount of the state average adjusted property valuation per pupil. For municipalities with an adjusted property valuation per pupil equal to or greater than one hundred and twenty percent of the state average, the gross overburden amount shall be zero.

"Gross standard of effort", for a municipality in fiscal year nineteen hundred and ninety-four shall be ninety-four ten-thousandths times the adjusted property valuation, calculated using the nineteen hundred and ninety-two equalized property valuations as published by the department of revenue. In subsequent fiscal years, the gross standard of effort shall be the gross standard of effort of the previous fiscal year, increased by a percentage equal to the municipal revenue growth factor.

"Local contribution", the net school spending of a municipality in any fiscal year minus the sum of state school aid and federal impact aid, less equity aid, for that fiscal year as projected by the department of education; provided, however, in any city or town that deferred a portion of its teachers' salaries in the fiscal year ending June thirtieth, nineteen hundred and ninety-three or that had its regional school assessment reduced as a result of a deferral of teachers' salaries in a regional school district in said fiscal

year, the local contribution for said fiscal year shall be reduced by the amount of such teachers' salary deferral and reduced regional school assessment, if any. The department shall publish tables allotting each municipality's local contribution in fiscal year nineteen hundred and ninety-three amongst the districts to which the municipality belongs.

"Low-income enrollment", the number of children attending school in a district regardless of residence or tuition-paying status, who are eligible for free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC 1758. A low-income child or student is a child who meets these eligibility standards. In determining the total number of low-income students, the department shall use the preceding year's actual number of low-income elementary, middle school, high school, bilingual, and vocational students, and one-half the preceding year's actual number of low-income kindergarten and pre-school students.

"Minimum aid", the amount of minimum state school aid available to a municipality in any fiscal year, which shall be fifty dollars multiplied by the district foundation enrollment in fiscal year nineteen hundred and ninety-four, and twenty-five dollars multiplied by the district foundation enrollment every year thereafter until fiscal year two thousand and one.

"Minimum required local contribution", the sum of (i) the preliminary local contribution, and (ii) the foundation aid percent multiplied by the standard of effort gap in any fiscal year; provided, however, that for the purpose of this calculation, for any district that does not have a positive foundation gap, the standard of effort gap shall be deemed to be zero. This sum shall be reduced by the overburden aid amount, if any, and the excess debt service amount, if any. The minimum required local contributions shall be calculated separately for each municipality's share of each district to which the municipality belongs.

"Municipal revenue growth factor", the increase in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy limit for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to one hundred and two and one-half percent plus the average of the percentage increases in the levy limit due to new growth over the last three available years as certified by the department of revenue, (2) the amount of general revenue sharing aid for the fiscal year, and (3) other recurring receipts not including user fees or

other charges determined by the division of local services of the department of revenue to be associated with the provision of specific municipal services for the prior fiscal year by the sum of (1) the actual levy limit for the prior fiscal year, (2) the amount of general revenue sharing aid received for the prior fiscal year, and (3) other recurring receipts not including user fees or other charges determined by the division of local services of the department of revenue to be associated with the provision of specific municipal services, actually collected by the municipality for the fiscal year preceding the prior fiscal year; provided, however, that for the purposes of this calculation the levy limit shall exclude any amounts generated by overrides applicable to any year after fiscal year nineteen hundred and ninety-three; and provided, however, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to one hundred and two and one-half percent plus the average of the percentage increases in the levy limit due to new growth over the last three available years as certified by the department of revenue; provided, further that in the absence of an actual levy limit for the prior fiscal year, the maximum levy limit for the fiscal year shall be calculated by multiplying the estimated levy limit of the prior fiscal year by a factor equal to one hundred and two and one-half percent plus the average of the percentage increases in the levy limit due to new growth over the last three available years as certified by the department of revenue; provided, further, that said factor shall not be greater than the factor determined by subtracting one from the quotient calculated by dividing total state school aid for the current fiscal year by total state school aid for the prior fiscal year.

"Net school spending", the total amount spent for the support of public education, including teacher salary deferrals and tuition payments for children residing in the district who attend a school in another district or other approved facility, determined without regard to whether such amounts are regularly charged to school or non-school accounts by the municipality for accounting purposes; provided, however, that net school spending shall not include any spending for long term debt service, and shall not include spending for school lunches, or student transportation. Net school spending shall also not include tuition revenue or revenue from activity, admission, other charges or any other revenue attributable to public education.

Such revenue will be made available to the school district which generated such revenue in addition to any financial resources made available by municipalities or state assistance. The department of education, in consultation with the department of revenue shall promulgate regulations to ensure a uniform method of determining which municipal expenditures are appropriated for the support of public education and which revenues are attributable to public education in accordance with this section. The regulations shall include provisions for resolving disputes which may arise between municipal and school officials.

"Overburden aid", for each municipality is the gross overburden amount for that municipality multiplied by the foundation aid percent.

"Preliminary local contribution", for any municipality in which the local contribution in the prior fiscal year was less than the standard of effort, the local contribution of such prior year increased by a percentage equal to the municipal revenue growth factor. For any municipality in which the local contribution in the prior fiscal year was not less than the standard of effort, the preliminary local contribution shall be the standard of effort amount; provided, however, that for any district with a positive foundation gap, the preliminary local contribution shall not be less than the fiscal year nineteen hundred and ninety-three local contribution, except that said contribution may be reduced proportionately to any decrease in the total municipal budget.

"Professional development allotment", the amount allotted within a district's foundation budget for professional development in any fiscal year. The professional development allotment in any year shall be three percent multiplied by the amount allotted in that year in a district's foundation budget for foundation teaching staff payroll and the foundation support staff payroll.

"Standard of effort", for any year shall be the gross standard of effort for that year. The standard of effort for any municipality shall be allotted amongst the districts to which a municipality belongs according to each district's share of the total foundation budget for students from that municipality.

"Standard of effort gap", the positive difference in any fiscal year between the standard of effort in that fiscal year and the preliminary local contribution in that fiscal year. The standard of effort gap for a municipal-

ity shall be allocated amongst the districts to which a municipality belongs. If there is not positive difference, the standard of effort gap shall be zero.

"State overburden obligation", the sum of the gross overburden amounts for all municipalities.

"State school aid", all amounts appropriated by the commonwealth under this chapter, chapter seventy-one, and chapter seventy-four, all equal educational opportunity grants, and all per pupil grants included as part of state aid for fiscal year nineteen hundred and ninety-three except as provided in this chapter. It shall not include any state funding for transportation, for school building construction, for the METCO program or for other categorical grants such as school-to-work transitional grants. The department shall publish tables allotting each municipality's state school aid in fiscal year nineteen hundred and ninety-three amongst the school districts to which the municipality belongs. For municipalities where all students attend regional districts all state school aid shall be allocated amongst the regional districts. The aid received on behalf of students tuitioned out to other districts shall be allotted to the municipality or district paying tuition.

"Total foundation staff", the sum of the foundation teaching staff, foundation support staff, foundation assistants, foundation principals, foundation clerical staff, foundation healthcare staff, foundation central office professional staff, and foundation custodial staff provided that no employee shall be counted as more than one full time equivalent.

"Wage adjustment factor", an adjusted difference between the average annual wage for all jobs in the labor market area in which a municipality is located and the average annual wage in the commonwealth. Average annual wage figures shall be published annually by the division of employment and training. The wage adjustment factor shall be the sum of one plus a fraction, the numerator of which shall be the product of one-third and the difference resulting from subtracting the average annual wage in the commonwealth from the average annual wage of the community; and the denominator of which shall be the average annual wage in the commonwealth.

For the purposes of this section, the average annual wage of the community shall be the sum of:

(a) eight-tenths multiplied by the average annual wage for all jobs in the labor market area in which the municipality is located; plus

(b) two-tenths multiplied by the average annual wage of the municipality; provided, however, that in any community in which the percent of total foundation enrollment represented by the low-income enrollment is greater than the total percent of low-income students in the state, the wage adjustment factor shall not be less than one.

Section 3. For the school district in each municipality, for each regional school district, and for each independent vocational school in the commonwealth, there is hereby established a foundation budget.

The board of education is authorized to adopt regulations furnishing interpretive guidelines for the determination of foundation budgets. Said regulations shall be filed with the house and senate committees on ways and means not less than thirty days before said regulations become effective.

Following fiscal year nineteen hundred and ninety-four, the foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in section two. The monetary factors used in calculating the foundation budget in these years shall be the monetary factors employed in section two to define the foundation payroll, foundation non-salary expenses, and the professional development allotment, expanded program allotment, extraordinary maintenance allotment, book and equipment allotment, multiplied by the ratio of the implicit price deflator for state and local government services as published by the United States department of commerce for the third quarter of the prior calendar year to the same deflator for the third quarter of nineteen hundred and ninety-two. For any fiscal year, the adjusted amounts shall not exceed those in the immediately preceding fiscal year by more than four and one-half percent.

Section 4. Not later than July first, nineteen hundred and ninety-four, and every three years thereafter, the governor shall appoint a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations to the general court regarding such changes in the formula as may be appropriate. The commission shall consist of fifteen members and shall be broadly representative of the racial and ethnic diversity of the commonwealth. Members shall receive no compensation for their services but may receive reimbursement for their reasonable expenses incurred in carrying out their responsibilities as members of the commission. The department

shall furnish reasonable staff and other support for the work of the commission.

It shall not constitute a violation of chapter two hundred and sixty-eight A for any person employed by a school district in the commonwealth to serve on this commission or to participate in the commission deliberations that will or may have a financial impact on the district employing such person or on the rate at which such a person may be compensated. The commission may establish procedures to ensure that such persons not participate in commission deliberations that may either directly affect the school districts employing such persons or directly affect the rate at which such persons are compensated.

The commission's recommendations shall be filed with the clerks of the senate and house of representatives, who, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such recommendations to appropriate committees of the general court. Within thirty days after such filing, the said committee shall hold a public hearing on the recommendations.

Section 5. Beginning in fiscal year nineteen hundred and ninety-four and for every fiscal year thereafter, the following shall apply to any municipality receiving overburden aid: the overburden aid amount for said municipality shall be reduced by an amount equal to seventy-five percent of any increase over the prior year in its lottery and additional assistance local aid.

Section 6. In addition to amounts appropriated for long-term debt service, school lunches, adult education, student transportation, and tuition revenue, each municipality in the commonwealth shall annually appropriate for the support of public schools in the municipality and in any regional school district to which the municipality belongs an amount equal to not less than the sum of the minimum required local contribution, federal impact aid, and all state school aid and grants for education but not including equity aid, for the fiscal year. Based on the amounts specified in section twelve, the allotments described in section thirteen, and the definitions and other provisions in this chapter, the commissioner shall estimate and report such amounts to each municipality and regional school district as early as possible, but no later than March first for the following fiscal year. The commissioner shall file with the house and senate committees on ways and means, not less than thirty days before said reports are transmitted to each municipality and re-

gional school district, copies of a document reporting all of the information contained in said reports. Notwithstanding the terms of any regional school district agreements to the contrary, no new regional school district shall be required to submit a budget to its member municipalities before receiving the estimate by the commissioner concerning the amount of state school aid payable through the member municipalities to the regional school district for the following fiscal year. Notwithstanding the provisions of any regional school district agreement, each member municipality shall increase its contribution to the regional district each fiscal year by the amount indicated in that district's share of the municipality's minimum regional contribution in that fiscal year. The district shall appropriate the sum of the minimum regional contributions of its member districts as well as all state school aid received on behalf of member municipalities. The district may choose to spend additional amounts; such decisions shall be made and such amounts charged to members according to the district's required agreement.

Section 7. If there is appropriated in any fiscal year a sum smaller than the amount of state school aid specified in section twelve, any school appropriations based on the commissioner's estimate shall be reduced without further action by the school committee, town meeting, or city council by an amount equal to the value that state school aid and minimum required local contribution for the district are below the amount estimated by the commissioner unless the district or the member municipalities take specific actions to the contrary. For the purposes of this section the amount of state school aid appropriated to a city or town shall be the amount appropriated by the annual appropriation act without regard to any deductions pursuant to subsection (f) of section twelve B of chapter seventy-six.

Section 8. Except as required by General Law, each school district may determine how to allocate any funds appropriated for the support of public schools without regard to the categories employed in calculating the foundation budget.

Section 9. School districts shall report each fiscal year to the commissioner of education on the amounts spent for extraordinary maintenance, extended programming, professional development, and books and instructional equipment. To the extent that the amounts spent for these purposes fall short of the allotments defined in this chapter, the superintendent shall explain the reasons for the shortfall.

School districts shall report each fiscal year to the commissioner of education on the amounts spent for administrative expenses. To the extent that the amounts spent for these purposes exceed the allotments defined in this chapter, the superintendent shall explain the reasons for the additional costs.

Section 10. Subject to appropriation, the amount of state aid to be paid to each municipality in each fiscal year under this chapter shall be the sum of the base aid, the overburden aid, minimum aid, foundation aid and equity aid to which the municipality may be entitled under the provisions of this chapter. The amount of aid paid to each district shall be identified separately for each municipality that is a member of the district.

Section 11. If in any fiscal year a district's actual expenditures for public education is less than the amount required to be appropriated for public education pursuant to this chapter, the difference, up to five percent of the amount required to be appropriated, shall be spent in the following fiscal year without affecting the amount of state school aid payable the following fiscal year; provided, however, that the amount required to be appropriated for public education in said following year shall be increased by said difference, up to five percent; provided, further, that the amount of state school aid for the following fiscal year shall be reduced by the amount said difference exceeds five percent of the amount required to be appropriated; provided, further, that in any year in which additional money is required to be appropriated pursuant to this section due to a spending deficiency in the prior year, if a district's actual expenditure for public education is less than the amount required to be appropriated, state school aid in the following year shall be reduced by the entire difference between said amounts. The board shall promulgate regulations to enforce the provisions of this section.

Section 12. (a) Subject to appropriation, beginning in fiscal year nineteen hundred and ninety-four and for all subsequent fiscal years, the amounts appropriated for state school aid in any given year shall be equal to the sum of the adjusted prior year amount and the education improvement amount.

(b) The adjusted prior year amount for state school aid shall be the amount of state aid appropriated in the previous fiscal year, multiplied by an annual adjustment factor equal to the ratio of (i) the implicit price deflator for state government services as published by the United

States department of commerce for the third quarter of the prior year to (ii) the same deflator one year earlier: provided, however, that the annual adjustment factor utilized in fiscal year nineteen hundred and ninety-four shall be equal to one. In no case shall the annual adjustment factor exceed one hundred and four percent.

(c) The education improvement amount shall be an amount of additional state school aid as hereinafter described for the fiscal years nineteen hundred and ninety-four to two thousand, inclusive: in fiscal year nineteen hundred and ninety-four, an additional one hundred and forty million dollars; in fiscal year nineteen hundred and ninety-five, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-six, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-seven, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-eight, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-nine, an additional one hundred and eighty million dollars; and in fiscal year two thousand, an additional one hundred and eighty million dollars. The dollar amounts specified in this subsection shall be adjusted for inflation by multiplying the amounts for fiscal year nineteen hundred and ninety-five and subsequent years by the ratio of the value of the implicit price deflator for state government services in the third quarter of the prior calendar year to the value of that same deflator in the third quarter of nineteen hundred and ninety-three. In no case shall this adjustment factor be greater than what would be derived by a four percent annual adjustment compounded on a yearly basis.

Section 13. (a) The funds appropriated for state school aid shall be allocated among municipalities as set forth in this chapter. If said amount appropriated is less than the total base aid amount, each municipality's allotment of base aid shall be reduced by a constant amount per student that shall be determined by dividing the difference between the total base amount and said appropriation amount by the total foundation enrollment in the state.

(b) If the amount appropriated is more than the base amount, funds shall first be allocated to ensure that state school aid for each municipality equals the base aid amount.

(c) Any additional funds shall be allocated to cover minimum aid. If the amount appropriated for state school aid is insufficient to permit full fund-

ing of the base aid and minimum aid, funds in excess of the amount needed to fund base aid shall be allocated on a proportional basis reflecting the ratio of a particular municipality's minimum aid to the sum of minimum aid amounts of all municipalities for that fiscal year.

(d) All remaining funds shall be allocated to cover foundation aid, equity aid, and overburden aid.

(e) The allocation to each municipality that received foundation aid of more than the minimum aid amount above the base amount shall be reduced by an amount that is the lesser of (1) the minimum aid amount and (2) the positive difference, if any, between its foundation aid and minimum aid. The funds available from this reduction shall be allocated to all municipalities such that each one receives the same proportion of this aid as was received in paragraph (d). These increments shall be considered part of foundation aid, equity aid, and overburden aid.

Section 14. For any district in which fewer than twenty percent of the students scored below the state average on the assessment tests required by chapter sixty-nine, the city or town, or all cities and towns comprising a regional school district, may exempt the district from the provisions of this chapter by accepting this section in the manner prescribed by section four of chapter four. Any district so exempted shall continue to receive fiscal year nineteen hundred and ninety-three base aid, but shall not receive any additional state aid and shall not be required to meet the local obligation requirements of this chapter.

If, in any future year, a district so exempted fails to meet the assessment standards described above, or for any other reason is not exempt from this chapter, it shall, in that and future years, be subject to the same obligations and entitled to the same aid under this chapter in each year as districts that were never so exempted.

Section 15. This chapter shall apply to all cities, towns, and regional school districts, notwithstanding section twenty-seven C of chapter twenty-nine, and without regard to any acceptance or appropriation by a city, town or regional school district or to any appropriation by the general court.

SECTION 33. Chapter seventy A of the General Laws is hereby repealed.

SECTION 34. Section 16D of chapter 71 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following three subsections:-

(e) Notwithstanding the foregoing provisions of this section, for the fiscal year ending on June thirtieth, nineteen hundred and ninety-four, regional schools shall receive the same amount of state aid that they received in the fiscal year ending on June thirtieth, nineteen hundred and ninety-three; provided, however, that any regional school that received in the fiscal year ending on June thirtieth, nineteen hundred and ninety-three less than seventy-six percent of the amount of state aid that it would have been entitled to pursuant to the foregoing provisions of this section if the full amount had been appropriated for such state aid in said fiscal year nineteen hundred and ninety-three shall receive an additional state aid payment in fiscal year nineteen hundred and ninety-four such that the total state aid for each regional school pursuant to this section shall be no less than seventy-six percent of the amount of state aid that it would have been entitled to pursuant to the foregoing provisions of this section if the full amount had been appropriated for such state aid in said fiscal year nineteen hundred and ninety-three; provided, further, that any regional school district that is newly established pursuant to section fifteen subsequent to June thirtieth, nineteen hundred and ninety-two but prior to July first, nineteen hundred and ninety-three shall receive seventy-six percent of the amount it would otherwise have been entitled to receive for fiscal year nineteen hundred and ninety-four expenses pursuant to the foregoing provisions of this section.

(f) For fiscal years nineteen hundred and ninety-four and subsequent fiscal years, the amount of state aid distributed as base aid pursuant to chapter seventy shall be deemed to be in full satisfaction of the provisions of subsection (e).

(g) Notwithstanding the foregoing provisions, regional bonus aid, but no other aid pursuant to this section, shall be paid to any regional school district formed after fiscal year nineteen hundred and ninety-three for the immediate five fiscal years following the establishment of said regional school district. Regional bonus aid shall be payable in an amount equal to fifty dollars per foundation enrollment, in the first fiscal year following the establishment of said regional school district; forty dollars per foundation enrollment in the second fiscal year following the establishment of said regional school district; thirty dollars per foundation enrollment in the third fiscal year following the establishment of said regional school district; twenty dollars per foundation enrollment in the fourth fiscal year following the es-

establishment of said regional school district; and, ten dollars per foundation enrollment in the fifth fiscal year following the establishment of said regional school district.

SECTION 35. Said chapter 71 is hereby further amended by striking out section 37, as so appearing, and inserting in place thereof the following section:-

Section 37. The school committee in each city and town and each regional school district shall have the power to select and to terminate the superintendent, shall review and approve budgets for public education in the district, and shall establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the board of education.

SECTION 36. Said chapter 71 is hereby further amended by striking out section 37H, as amended by section 430 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:-

Section 37H. The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of other student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The school council shall review the student hand-

book each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b); provided, however, that any principal who decides that said student should be suspended shall state in writing to the school committee his reasons for choosing the suspension instead of the expulsion as the most appropriate remedy. In this statement, the principal shall represent that, in his opinion, the continued presence of this student in the school will not pose a threat to the safety, security and welfare of the other students and staff in the school.

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) When a student is expelled under the provisions of this section and applies for admission to another school for acceptance, the superintendent of the sending school shall notify the superintendent of the receiving school of the reasons for the pupil's expulsion.

SECTION 37. Section 37L of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by adding the following three paragraphs:-

In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of social services, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of social services, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

SECTION 38. Section 38 of said chapter 71, as so appearing, is hereby amended by striking out the first and second paragraphs.

SECTION 39. The third paragraph of said section 38 of said chapter 71, as so appearing, is hereby amended by striking out, in line 33, the word "committee" and inserting in place thereof the following word:- district.

SECTION 40. Said section 38 of said chapter 71, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following two paragraphs:-

The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers, principals, and administrators within the school

district to be evaluated using any principles of evaluation established by the board of education pursuant to section one B of chapter sixty-nine and by such consistent, supplemental performance standards as the school committee may require, including the extent to which students assigned to such teachers and administrators satisfy student academic standards or, in the case of a special education student, the individual education plan, and the successful implementation of professional development plans required under section thirty-eight Q; provided, however, that such principles and standards be consistent with the anti-discrimination requirements of chapter one hundred and fifty-two B. The superintendent shall require the evaluation of administrators and of teachers without professional teacher status every year and shall require the evaluation of teachers with professional teacher status at least once every two years. The procedures for conducting such evaluations, but not the requirement for such evaluations, shall be subject to the collective bargaining provisions of chapter one hundred and fifty E.

Performance standards for teachers and other school district employees shall be established by the school committee upon the recommendation of the superintendent, provided that where teachers are represented for collective bargaining purposes, all teacher performance standards shall be determined as follows: The school committee and the collective bargaining representative shall undertake for a reasonable period of time to agree on teacher performance standards. Prior to said reasonable period of time, the school district shall seek a public hearing to comment on such standards. In the absence of an agreement, after such reasonable period, teacher performance standards shall be determined by binding interest arbitration. Either the school district or the teachers' collective bargaining representative may file a petition seeking arbitration with the commissioner of education. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. The school committee and the collective bargaining representative within three days of receipt of the list from the commissioner of education shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from among the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. In reaching a decision, the arbitrator shall seek to advance the goals of encouraging innovation in teaching and of holding teachers ac-

countable for improving student performance. The arbitrator shall consider the particular socioeconomic conditions of the student population of the school district. Both the parties and the arbitrator may adopt performance standards established by state or national organizations. The performance standards shall be incorporated into the applicable collective bargaining agreement; provided, however, that any subsequent modification of the performance standards shall be made pursuant to the procedures set forth in this section.

SECTION 41. Said chapter 71 is hereby further amended by striking out section 38G, as amended by chapter 151 of the acts of 1991, and inserting in place thereof the following section:-

Section 38G. (a) The board of education shall have authority to grant upon application provisional and standard certificates, as provided in this section, to teachers, guidance counselors and directors, school psychologists, school librarians, school nurses, audio-visual media specialists, unified media specialists, school business administrators, principals, supervisors, directors, assistant superintendents of schools and superintendents of schools. Any certificate issued by the board may be revoked for cause, pursuant to standards and procedures established by the board. The board shall promulgate regulations to carry out the provisions of this section; provided, however, that such regulations shall not require a masters degree as a condition precedent to the attainment of a standard certification in instruction; provided, further, that a masters degree may be required as a condition precedent to the attainment of a certificate of eligibility with advanced standing.

(b) To be eligible for a provisional certification, the candidate shall (1) hold a bachelor's degree in arts or sciences from an accredited college or university with a major course of study appropriate to the instructional field; (2) pass a test which shall consist of two parts: (A) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents; and (B) the subject matter knowledge necessary for the teaching specialization endorsement or the general subject matter knowledge for the elementary endorsement; and (3) be of sound moral character. Candidates who complete the requirements in this paragraph shall be issued certificates of eligibility which will permit them to seek provisional employment in teaching positions requiring instructional certification.

(c) Certificates of eligibility with advanced standing shall be issued to all persons who meet the test requirement pursuant to subsection (b) and who have completed one of the following programs of teacher preparation: (1) a college program, graduate or undergraduate, approved by the department of education for the preparation of teachers; (2) a college preparation program included in the alternative certification reciprocity system of the National Association of State Directors of Teacher Education and Certification (NASDTEC); (3) an out-of-state teacher education program approved by the National Council for the Accreditation of Teacher Education (NCATE); or (4) an out-of-state teacher education program not approved by the NCATE or NASDTEC but approved by the board of education.

(d) To be eligible for the standard certificate in instructional fields, except as indicated in subsection (e), the candidate shall (1) possess a provisional certificate pursuant to paragraph (b); and (2) complete a state-approved district or private school training program pursuant to subsection (g) while employed provisionally in a position requiring the relevant endorsement to the instructional certificate.

(e) Candidates who hold standard instructional certificates shall be issued additional standard instructional endorsements where they meet provisional certification requirements without having to meet the requirements in subsection (d).

(f) A standard certification shall be issued for a term of five years. Teachers who have been granted permanent certificates prior to June first, nineteen hundred and ninety-three shall be granted standard instructional certificates by the board.

(g) Each public school district seeking to hire a provisional teacher shall submit a plan to the department of education and receive approval in accordance with the same procedures used for initial approval of collegiate preparation programs. No district shall be authorized to employ a provisional teacher unless it has submitted a plan and received the approval of the commissioner of education. The department of education shall issue a standard training program plan which districts may implement in lieu of developing an original plan.

Each plan shall describe the key elements of the proposed training program in accordance with guidelines established and published by the department of

education. Districts shall show evidence of joint sponsorship of training programs with colleges or universities.

Each approved district training plan shall provide essential knowledge and skills to provisional teachers through the following phases of training: (1) a full-time seminar and practicum of no less than twenty days' duration which takes place prior to the time at which the provisional teacher takes the full responsibility for a classroom. The seminar and practicum shall provide the format instruction in the essential areas for professional study listed in subsection (h). It should introduce basic teaching skills through supervised teaching experiences with students. The seminar and practicum components of the experience shall be integrated and shall include an orientation to the policies, organization and curriculum of the employing district. This requirement shall not apply to provisional teachers who are holders of certificates of eligibility with advanced standing; (2) a period of intensive on-the-job supervision beginning the first day on which the provisional teacher assumes full responsibility for a classroom and continuing for a period of at least ten weeks. During this time, the provisional teacher shall be visited and critiqued by members of a professional support team and shall be observed and formally evaluated at the end of ten weeks by the appropriately certified member of the team. At the end of the ten-week period, the provisional teacher shall receive a formal written progress report from the chairperson of the support team; and (3) an additional period of continued supervision and evaluation of no less than twenty weeks duration. During this period, the provisional teacher shall be visited and critiqued at least four times and shall be observed formally and evaluated at least twice. No more than two months shall pass without a formal observation. Opportunities shall be provided for the provisional teacher to observe the teaching of experienced colleagues.

(h) Approximately two hundred hours of formal instruction in the following topics shall be provided in all three phases of this program combined. This requirement shall not apply to provisional teachers who are holders of certificates of eligibility with advanced standing.

- (1) Curriculum and the curriculum frameworks established by the board.
- (2) Student development, student diversity and learning at all levels.
- (3) The classroom, the school and the home.

(i) Training and supervision of provisional teachers in state-approved alternative programs shall be provided by a professional support team com-

prised of a school principal, a mentor teacher, a college faculty member and a curriculum supervisor. District schools which do not employ curriculum supervisors or have been unable to establish a relationship with a college or university shall provide for comparable expertise on the team. The school principal shall serve as the chairperson of the team.

(j) The department of education shall coordinate the training efforts of districts and shall establish regional programs for provisional teachers. The department shall also provide orientation programs for support team members.

(k) Provisional teachers shall be observed and evaluated by appropriately certified support team members. Evaluation of provisional teachers shall be shared by at least two, but no more than three members of the support team. The department of education shall devise standardized criteria and forms for a final comprehensive evaluation of each provisional teacher, conducted at the end of the provisional period by appropriately certified support team members.

(l) At the conclusion of the state-approved district training program, the chairperson of the support team shall prepare a comprehensive evaluation report of the provisional teacher's performance. This report shall be submitted by the chairperson directly to the department of education and shall contain a recommendation as to whether or not a standard certificate should be issued to the provisional teacher. The final comprehensive evaluation report on each provisional teacher shall be made on forms provided by the department of education. Said report shall include one of the following recommendations: (1) Approved: recommends issuance of a standard certificate; (2) Insufficient: recommends that a standard certificate not be issued but that the candidate be allowed to seek entry on one more occasion in the future into a state-approved district training program; or (3) Disapproved: recommends that a standard certificate not be issued and that the candidate not be allowed to enter into a state-approved district training program.

The support team chairperson shall provide the provisional teacher with a copy of the provisional teacher's written evaluation report and certification recommendation before submitting it to the bureau of teacher preparation and certification.

If the provisional teacher disagrees with the chairperson's recommendation, the provisional teacher may, within fifteen days, submit to the chairperson written materials documenting the reasons why the provisional teacher believes standard certification should be awarded or a recommendation of in-

sufficient granted. The chairperson shall forward all such documentation to the bureau of teacher certification along with the evaluation report and recommendation concerning certification. The provisional teacher may contest the unfavorable recommendation with the board of education.

Candidates who receive a recommendation of "disapproved" or two or more recommendations of "insufficient" may petition the board of education for approval of additional opportunities to seek provisional employment in districts other than those in which they received unfavorable recommendations. The candidate shall be responsible for demonstrating why he would be likely to succeed if granted the requested opportunity.

(m) All applications for certificates shall be accompanied by a fee to be determined annually by the commissioner of administration under the provisions of section three B of chapter seven. Said fees shall be established so as to allow the department's bureau of teacher certification to operate at no cost to the commonwealth.

No person shall be eligible for employment by a school committee as a teacher, principal, supervisor, director, guidance counselor and director, school psychologist, school nurse, school librarian, audio-visual media specialist, unified media specialist, school business administrator, superintendent of schools or assistant superintendent of schools unless he has been granted by the board a certificate with respect to the type of position for which he seeks employment; provided, however, that nothing herein shall be construed to prevent a school committee from prescribing additional qualifications; provided, further, that a school committee may upon its request be exempt by the board for any one school year from the requirement in this section to employ certified personnel when compliance therewith would in the opinion of the board constitute a great hardship in securing teachers for the schools of a town. During the time that such a waiver is in effect, service of an employee of a school committee to whom the waiver applies shall not be counted as service in acquiring professional teacher status or other rights under section forty-one.

For the purposes of certifying provisional teachers, the board may approve programs at colleges or universities devoted to the preparation of teachers and other educational personnel. A college or university offering such an approved program shall certify to the board that a student has completed the program approved and shall provide the board with a transcript of the record.

This section shall not apply to trade, vocational, temporary substitute teachers, exchange teachers, regionally licensed or certified teachers or to teaching or administrative interns: provided, however, that approval for the employment of such personnel shall be granted by the board under such rules and regulations as it may adopt. As used in this section, a "temporary substitute" shall be one employed for less than a school year to take the place of a regularly employed teacher who is absent by reason of illness or by reason of educational leave, maternity leave, military leave, sabbatical leave or other leave. As used in this section, a "teaching or administrative intern" shall be a student who has completed his student teaching requirements and seeks additional experience in teaching or administrative positions. As used in this section a "regionally licensed or certified teacher" shall be an applicant for a teacher's certificate in the commonwealth who has been granted a regional license or certificate by another state jurisdiction under terms of a contract entered into pursuant to chapter seven hundred and forty-eight of the acts of nineteen hundred and sixty-eight, the Interstate Agreement on Certification of Educational Personnel.

The board shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this section.

Except as otherwise specifically provided in this section, no rights of any employees of a school district under the provisions of this chapter shall be impaired by the provisions of this section.

Any person, who teaches children diagnosed as having autism, in a school approved by the department of education pursuant to the provisions of chapter seventy-one B who is legally present in the United States and possesses legal authorization to work, and who meets all other requirements of certification, shall not be denied certification solely because he is not a citizen of the United States.

Anyone granted either a provisional or permanent certificate under this section or currently holding such certification shall be required to maintain the development of professional skills and the knowledge of subject matter pertinent to the areas of certification. Teachers who were authorized, permitted or approved under policies of the department of education to teach in a subject or area for which there was no certification standard before September first, nineteen hundred and eighty-two, shall acquire and maintain the devel-

opment of the skills and training required of persons certified to teach in said subject or area after that date.

It shall be one of the objectives of all school districts' professional development plans to satisfy the professional development plan required of this section; provided, however, that this requirement shall not be construed to require that a school district or the commonwealth provide funding for the fulfillment of the professional development requirements of this section and section thirty-eight Q beyond the foundation budget.

The board shall establish policies and guidelines designating requirements for any continuing education units, in-service seminars, projects, courses and other activities which would be deemed sufficient to maintain the development of professional skills and the knowledge of subject matter pertinent to particular certificates. The board shall establish for each certification area alternate methods for fulfilling the professional development requirement, at least one of which shall be provided at no cost to persons employed by a school district who are engaging in such activity for the purpose of satisfying the professional development requirements of this section. The board may also develop methods of assessing an individual's teaching skills and knowledge. In developing these policies, guidelines and assessment methods, the board shall obtain the input of teachers, administrators and educational experts. Such policies shall provide that a teacher who is to be employed in a position in an area of certification in which he is not currently employed, nor currently certified, but for which he held a certificate which had been valid within the three years immediately preceding the starting date of employment in this position, shall be given a reasonable period, as determined by the board, to fulfill a professional development plan which demonstrates his currency in the relevant subject matter knowledge, and requalifies him for certification in said area.

The board shall, in establishing said policies and criteria for professional development, give special consideration to the unique financial or time constraints these policies may require. The board may also develop methods of assessing an individual's teaching skills and knowledge. In developing these policies, guidelines and assessment methods, the board shall obtain the input of teachers, administrators and educational experts.

All permanent certificates shall have a term of five years and shall be renewable for additional terms of five years. All applications for renewal

shall be accompanied by a fee to be determined annually by the secretary of administration under the provisions of section three B of chapter seven. Applicants for renewal shall submit documentation demonstrating their fulfillment of the professional development requirements established by the board for the certificates they seek to renew.

SECTION 42. Said chapter 71 is hereby further amended by inserting after section 38P the following section:-

Section 38Q. Every school district in the commonwealth shall adopt and implement a professional development plan for all principals, teachers and other professional staff employed by the district, to include the professional support teams established pursuant to section thirty-eight G, and annually shall update such plans and set forth a budget for professional development within the confines of the foundation budget. Said plan shall include training in the teaching of new curriculum frameworks and other skills required for the effective implementation of this act, including participatory decision making, and parent and community involvement. Said plan shall also include training for members of school councils, pursuant to section fifty-nine C. Said plan may include teacher training which addresses the effects of gender bias in the classroom.

The commissioner of education for the commonwealth shall prepare each year a plan for providing statewide assistance in the preparation and implementation of professional development plans. The commissioner shall consult with the secretary of education and the higher education coordinating council in developing said plan. This plan shall evaluate the feasibility of obtaining assistance from institutions of higher education and private service providers. The plan shall be submitted to the board of education for approval. A copy of said plan shall be submitted to the joint committee on education, arts, and humanities of the general court.

SECTION 43. Section 41 of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:-

For the purposes of this section, a teacher, school librarian, school adjustment counsellor, or school psychologist who has served in the public schools of a school district for three consecutive years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, upon the recommenda-

tion of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained such status in any other public school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.

School principals, by whatever title their positions may be known, shall not be represented in collective bargaining. School principals may enter into individual employment contracts with the districts that employ them concerning the terms and conditions of their employment.

Except as provided herein, section forty-two shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted except for good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within seven days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other representative to present information pertaining to the basis for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section forty-two. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section forty-two. The parties each shall have the right to

strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

SECTION 44. Said chapter 71 is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. A principal may dismiss or demote any teacher or other person assigned full-time to the school, subject to the review and approval of the superintendent; and subject to the provisions of this section, the superintendent may dismiss any employee of the school district. In the case of an employee whose duties require him to be assigned to more than one school, and in the case of teachers who teach in more than one school, those persons shall be considered to be under the supervision of the superintendent for all decisions relating to dismissal or demotion for cause.

A teacher who has been teaching in a school system for at least ninety calendar days shall not be dismissed unless he has been furnished with written notice of intent to dismiss and with an explanation of the grounds for the dismissal in sufficient detail to permit the teacher to respond and documents relating to the grounds for dismissal, and, if he so requests, has been given a reasonable opportunity within ten school days after receiving such written notice to review the decision with the principal or superintendent, as the case may be, and to present information pertaining to the basis for the decision and to the teacher's status. The teacher receiving such notice may be represented by an attorney or other representative at such a meeting with the principal or superintendent. Teachers without professional teacher status shall otherwise be deemed employees at will.

A teacher with professional teacher status, pursuant to section forty-one, shall not be dismissed except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher performance standards developed pursuant to section thirty-eight of this chapter or other just cause.

A teacher with professional teacher status may seek review of a dismissal decision within thirty days after receiving notice of his dismissal by filing a petition for arbitration with the commissioner. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. Each person on the list shall be accredited by the National Academy of Arbitrators. The parties each shall have the right to

strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. The parties each shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three. The board of education shall determine the process for selecting arbitrators for the pool. The fee for the arbitration shall be split equally between the two parties involved in the arbitration.

At the arbitral hearing, the teacher and the school district may be represented by an attorney or other representative, present evidence, and call witnesses and the school district shall have the burden of proof. In determining whether the district has proven grounds for dismissal consistent with this section, the arbitrator shall consider the best interests of the pupils in the district and the need for elevation of performance standards.

The arbitrator's decision shall be issued within one month from the completion of the arbitral hearing, unless all parties involved agree otherwise, and shall contain a detailed statement of the reasons for the decision. Upon a finding that the dismissal was improper under the standards set forth in this section, the arbitrator may award back pay, benefits, reinstatement, and any other appropriate non-financial relief or any combination thereof. Under no circumstances shall the arbitrator award punitive, consequential, or nominal damages, or compensatory damages other than back pay, benefits or reinstatement. In the event the teacher is reinstated, the period between the dismissal and reinstatement shall be considered to be time served for purposes of employment. The arbitral decision shall be subject to judicial review as provided in chapter one hundred and fifty C. With the exception of other remedies provided by statute, the remedies provided hereunder shall be the exclusive remedies available to teachers for wrongful termination. The rules governing this arbitration procedure shall be the rules of the American Arbitration Association as pertains to arbitration.

Neither this section nor section forty-one shall affect the right of a superintendent to lay off teachers pursuant to reductions in force or reorganization resulting from declining enrollment or other budgetary reasons. No teacher with professional teacher status shall be laid off pursuant to a reduction in force or reorganization if there is a teacher without such status

for whose position the covered employee is currently certified. No teacher with such status shall be displaced by a more senior teacher with such status in accordance with the terms of a collective bargaining agreement or otherwise unless the more senior teacher is currently qualified pursuant to section thirty-eight G for the junior teacher's position.

SECTION 45. Section forty-two A of said chapter seventy-one is hereby repealed.

SECTION 46. Said chapter 71 is hereby further amended by striking out section 42B, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 42B. The provisions of this chapter relating to school personnel granted certificates in accordance with section thirty-eight G shall apply to all such school personnel employed by regional school districts. Any such school personnel who have professional teacher status or other rights under section forty-one in a particular school district, whose positions are superseded by reasons of the establishment and operation of a regional school district, shall be employed with the same status by the regional school district.

All such school personnel employed by regional school districts shall initially be placed on the salary schedule of the district so that compensation to be paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed with the same status.

Such school personnel shall also be given credit by the regional school district committee for all accumulated sick leave and accumulated sabbatical leave years of service while employed with such status and for terminal compensation due such school personnel on the termination of such service.

All such personnel without such status in a city or town in the district whose positions are superseded by reason of the establishment and operation of a regional school district shall be elected to serve in such district by the regional school district committee; provided, however, that there is an available position which such person is certified to fill. All such personnel employed by regional school district committees shall initially be placed on the salary schedule of the regional school district so that the compensation paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed by a local school committee. Such school personnel shall also be given credit by the regional school dis-

strict committee for all accumulated sick leave, accumulated time towards service with such status, and accumulated sabbatical leave years of service, and for terminal compensation due such school personnel on the termination of such service.

Any employee subject to the provisions of chapter thirty-one, employed by the school committee of a town, whose position is superseded by reason of the establishment and operation of a regional school district shall be employed by the regional school district without loss of any civil service or other rights previously acquired by him.

This section shall also apply to all school personnel with such status of local trustees for vocational education, and any such school personnel whose positions are superseded by reason of the establishment and operation of a regional school district shall be employed by the regional school district with the same status.

Any such school personnel, employed by a regional school district, whose position is abolished or eliminated by reason of the disestablishment and discontinuance of the regional school district or the withdrawal of a member community from such district shall be employed by one of the withdrawing city or town school committees, and if any such personnel have such status, such personnel shall be employed by such city or town, school committee with the same status. In the event that there are not sufficient teaching positions available in the withdrawing city or town school systems, such personnel shall be offered the available positions for which they are currently certified in the order of their seniority in the regional school district. All such personnel so employed by a city or town school district shall initially be placed on the salary schedule of such city or town school district so that the compensation paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed by the regional school district. Such school personnel also shall be given credit by the city or town school committee for all accumulated sick time, accumulated time towards service with such status, and accumulated sabbatical leave years of service, and for terminal compensation due such school personnel on the termination of such service.

SECTION 47. Said chapter 71 is hereby further amended by striking out section 42D, as so appearing, and inserting in place thereof the following section:-

Section 42D. The superintendent may suspend any employee of the school district subject to the provisions of this section. The principal of a school may suspend any teacher or other employee assigned to the school subject to the provisions of this section. Any employee shall have seven days written notice of the intent to suspend and the grounds upon which the suspension is to be imposed; provided, however, that the superintendent may, for good cause, require the immediate suspension of any employee, in which case the employee shall receive written notice of the immediate suspension and the cause therefor at the time the suspension is imposed. The employee shall be entitled (i) to review the decision to suspend with the superintendent or principal if said decision to suspend was made by the principal; (ii) to be represented by counsel in such meetings; (iii) to provide information pertinent to the decision and to the employee's status.

No teacher or other employee shall be suspended for a period exceeding one month, except with the consent of the teacher or other employee, and no teacher or other employee shall receive compensation for any period of lawful suspension.

No teacher shall be interrogated prior to any notice given to him relative to the suspension unless the teacher or other employee is notified of his right to be represented by counsel during any such investigation. A suspended teacher or other employee may seek review of the suspension by following the arbitration procedures set forth in section forty-two. Nothing in this section shall be construed as limiting any provision of a collective bargaining agreement with respect to suspension of teachers or other employees.

SECTION 48. Said chapter 71 is hereby further amended by striking out section 43, as so appearing, and inserting in place thereof the following section:-

Section 43. The salary of no teacher employed with professional teacher status in any city or town except Boston shall be reduced without his consent except by a general salary revision affecting equally all teachers of the same salary grade in the town or except in connection with a reduction in status from full-time to part-time pursuant to a reduction in force resulting from declining enrollments or other budgetary reasons or pursuant to reorganizations for academic or budgetary reasons. Nothing in this section or in any other section of this chapter shall be construed to prevent a school district from entering into an individual annuity contract for such employee or from

reducing the salary or compensation of such employee pursuant to such agreement for the purpose of such purchase as authorized by section thirty-seven B.

SECTION 49. Sections forty-three A and forty-three B of said chapter seventy-one are hereby repealed.

SECTION 50. Section 47A of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 1, the word "committee" and inserting in place thereof the word:- superintendent.

SECTION 51. Said chapter 71 is hereby further amended by striking out section 48, as so appearing, and inserting in place thereof the following section:-

Section 48. The principal at each school, subject to the direction of the superintendent, shall, at the expense of the school district, purchase textbooks and other school supplies, and consistent with the district policy, shall loan them to the pupils attending such school free of charge. If instruction is given in the manual and domestic arts, the principal may so purchase and loan the necessary tools, implements and materials. The principal shall also, at like expense, procure such apparatus, reference books and other means of illustration, as may be needed. Said purchases shall be made in accordance with chapter thirty B and within the purchasing guidelines adopted by the municipality where such purchases are made if such guidelines exist.

SECTION 52. Section 59 of said chapter 71, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following four sentences:- A superintendent employed under this section or section sixty or sixty-three shall manage the system in a fashion consistent with state law and the policy determinations of that school committee. Upon the recommendation of the superintendent, the school committee may also establish and appoint positions of assistant or associate superintendents, who shall report to the superintendent, and the school committee shall fix the compensation paid to such assistant or associate superintendents. The school committee shall approve or disapprove the hiring of said positions. Such approval by the school committee of the recommendation shall not be unreasonably withheld; provided, however, that upon the request of the superintendent the school committee shall provide an explanation of disapproval.

SECTION 53. Said chapter 71 is hereby further amended by striking out section 59B, as so appearing, and inserting in place thereof the following three sections:-

Section 59B. The superintendent of a school district shall appoint principals for each public school within the district at levels of compensation determined in accordance with policies established by the school committee. Principals employed under this section shall be the educational administrators and managers of their schools and shall supervise the operation and management of their schools and school property, subject to the supervision and direction of the superintendent. Principals employed under this section shall be responsible, consistent with district personnel policies and budgetary restrictions and subject to the approval of the superintendent, for hiring all teachers, instructional or administrative aides, and other personnel assigned to the school, and for terminating all such personnel, subject to review and prior approval by the superintendent and subject to the provisions of this chapter. This section shall not prevent one person from serving as the principal of two or more elementary schools or the use of teaching principals in such schools.

It shall be the responsibility of the principal in consultation with professional staff of the building to promote participatory decision making among all professional staff for the purpose of developing educational policy.

The school superintendent of a city or town or regional school district including vocational-technical schools, may also appoint administrators and other personnel not assigned to particular schools, at levels of compensation determined in accordance with policies established by the school committee.

Section 59C. At each public elementary, secondary and independent vocational school in the commonwealth there shall be a school council consisting of the school principal, who shall co-chair the council; parents of students attending the school who shall be selected by the parents of students attending such school who will be chosen in elections held by the local recognized parent teacher organization under the direction of the principal, or if none exists, chosen by a representative process approved by the school committee. Said parents shall have parity with professional personnel on the school councils; teachers who shall be selected by the teachers in such school; other persons, not parents or teachers of students at the school, drawn from such groups or entities as municipal government, business and labor organizations, institutions of higher education, human services agencies or other interested groups; and for schools containing any of the grades nine to twelve, at least one such student; provided, however, that not more than fifty percent of the

council shall be non-school members. The principal, except as otherwise provided herein, shall have the responsibility for defining the composition of and forming the group pursuant to a representative process approved by the superintendent and school committee and for convening the first meeting no later than forty days after the first day of school, at which meeting a co-chairman shall be selected. School councils should be broadly representative of the racial and ethnic diversity of the school building and community. For purposes of this paragraph the term "non-school members" shall mean those members of the council, other than parents, teachers, students and staff of the school.

Nothing contained in this section shall require a new school council to be formed if an existing school council fulfills the intent of this section, the parent and teacher members thereof were selected in a manner consistent with the provisions of this section and the membership thereof complies with the aforesaid fifty percent requirement.

Meetings of the school council shall be subject to the provisions of sections twenty-three A, twenty-three B and twenty-three C of chapter thirty-nine.

The school council shall meet regularly with the principal of the school and shall assist in the identification of the educational needs of the students attending the school, in the review of the annual school budget, and in the formulation of a school improvement plan, as provided below.

The principal of each school, in consultation with the school council established pursuant to this section shall adopt educational goals for the schools consistent with the goals and standards including the student performance standards, adopted by the board pursuant to section one D of chapter sixty-nine, and consistent with any educational policies established for the district, shall assess the needs of the school in light of those goals, and shall formulate a school improvement plan to advance such goals, to address such needs and to improve student performance. The plan shall include an assessment of the impact of class size on student performance, and shall consider student to teacher ratios and other factors and supportive adult resources, and may include a scheduled plan for reducing class size. The plan shall address professional development for the school's professional staff, the allocation of any professional development funds in the annual school budget, the enhancement of parental involvement in the life of the school, safety and dis-

cipline, the establishment of a welcoming school environment characterized by tolerance and respect for all groups, extracurricular activities, the development of means for meeting the diverse learning needs of as many children as possible, including children with special needs currently assigned to separate programs, within the regular education programs at the school, and such further subjects as the principal, in consultation with the school council, shall consider appropriate. In school districts with language minority student populations the professional development plan under this section shall specify how the plan will address the need for training and skills in second language acquisition and in working with culturally and linguistically diverse student populations. Each school improvement plan shall be submitted to the school committee for review and approval every year. If said school improvement plan is not reviewed by the school committee within thirty days of said school committee receiving said school improvement plan, the plan shall be deemed to have been approved.

Nothing contained in this section shall prevent the school committee from granting a school council additional authority in the area of educational policy; provided, however, that school councils shall have no authority over matters which are subject to chapter one hundred and fifty E.

Section 59D. Superintendents and principals in every school district in the commonwealth shall pursue opportunities to establish school-community partnerships that may advance policy development, staff development, curriculum development, instructional enrichment and may provide material and financial support. The commissioner of education shall assist in and facilitate with the establishment of school-community partnerships. Subject to appropriation, the board shall establish a grant program to assist school districts in developing and implementing such partnerships.

SECTION 54. Section 67 of said chapter 71, as so appearing, is hereby amended by adding the following paragraph:-

A school district shall neither (i) employ a member of the immediate family of a superintendent, central office administrator, or school committee member, nor (ii) assign a member of the immediate family of the principal as an employee at the principal's school, unless written notice is given to the school committee of the proposal to employ or assign such person at least two weeks in advance of such person's employment or assignment. As used in this

section, "immediate family" shall have the meaning assigned by subsection (e) of section one of chapter two hundred and sixty-eight A.

SECTION 55. Said chapter 71 is hereby further amended by adding the following section:-

Section 89. A charter school shall be a public school, operated under a charter granted by the secretary of education, which operates independently of any school committee and is managed by a board of trustees. The board of trustees of a charter school, upon receiving a charter from the secretary of education, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

The purposes for establishing charter schools are: (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs and; (6) to hold teachers and school administrators accountable for students' educational outcomes.

Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to, a business or corporate entity, two or more certified teachers or ten or more parents. Said application may be filed in conjunction with a college, university, museum or other similar entity. Private and parochial schools shall not be eligible for charter school status.

The secretary of education shall establish the information needed in an application for the approval of a charter school; provided, however, that said application shall include the method for admission to a charter school. There shall be no application fee for admission to a charter school.

Applications to establish a charter school shall be submitted each year by February fifteenth. The secretary of education shall review the applications no later than March fifteenth.

The secretary of education shall make the final determination on granting charter school status and may condition charters on the charter school's taking certain actions or maintaining certain conditions. No more than twenty-

five charter schools shall be allowed to operate in the commonwealth at any time. Of these, no more than five shall be located in the city of Boston; no more than five shall be located in the city of Springfield; and no more than two shall be located in any other city or town. Under no circumstances shall the total number of students attending charter schools in the commonwealth be allowed to be greater than three-quarters of one percent of the total number of students attending public schools in the commonwealth.

A charter school established under a charter granted by the secretary shall be a body politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the following:

(a) to adopt a name and corporate seal; provided, however, that any name selected must include the words "charter school";

(b) to sue and be sued, but only to the same extent and upon the same conditions that a town can be sued;

(c) to acquire real property, from public or private sources, by lease, lease with an option to purchase, or by gift, for use as a school facility;

(d) to receive and disburse funds for school purposes;

(e) to make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the board intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the secretary, either as part of the original charter or by way of an amendment thereto; provided, further, that the secretary shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools;

(f) to incur temporary debt in anticipation of receipt of funds;

(g) to solicit and accept any grants or gifts for school purposes;

(h) to have such other powers available to a business corporation formed under chapter one hundred and fifty-six B that are not inconsistent with this chapter.

Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language, and academic achievement. Charter schools may limit enrollment to

specific grade levels or areas of focus of the school, such as mathematics, science or the arts.

A charter school may establish reasonable academic standards as a condition for eligibility for applicants. Preference for enrollment in a charter school shall be given to students who reside in the city or town in which the charter school is located. If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located, or are siblings of students already attending said charter school is greater than the number of spaces available, then an admissions lottery shall be held to fill all of the spaces in that school from among said students. If there are more spaces available than eligible applicants from the city or town in which said charter school is located and who are siblings of current students, and more eligible applicants than spaces left available, then a lottery shall be held to determine which of said applicants shall be admitted. There shall be no tuition charge for students attending charter schools.

A student may withdraw from a charter school at any time and enroll in a public school where said student resides. A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the secretary of education, with the advice of the principal and teachers.

A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location. A charter school may own, lease or rent its space.

A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that the provisions of sections forty-one and forty-two shall not apply to employees of charter schools. Charter schools shall comply with the provisions of chapters seventy-one A and seventy-one B; provided, however, that the fiscal responsibility of any special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides.

Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools.

The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget.

Employees of charter schools shall be considered public employees for purposes of tort liability under chapter two hundred and fifty-eight and for collective bargaining purposes under chapter one hundred and fifty E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter two hundred and fifty-eight and for collective bargaining purposes under said chapter one hundred and fifty E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter thirty-two and service in a charter school shall be "creditable service" within the meaning thereof.

Each local school district shall be required to grant a leave of absence to any teacher in the public schools system requesting such leave in order to teach in charter schools. A teacher may request a leave of absence for up to two years.

At the end of the two year period, the teacher may make a request to the superintendent that such leave be extended for an additional two years, and approval for said request shall not be unreasonably withheld or he may return to his former teaching position. At the end of the fourth year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the charter school, resign from his school district position.

Notwithstanding section fifty-nine C, the internal form of governance of a charter school shall be determined by the school's charter.

A charter school shall comply with all applicable state and federal health and safety laws and regulations.

The children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section twelve B of chapter seventy-six.

Each charter school shall submit to the secretary, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August first of each year for the preceding

school year. The annual report shall be in such form as may be prescribed by the secretary of education and shall include at least the following components:

(a) discussion of progress made toward the achievement of the goals set forth in the charter:

(b) a financial statement setting forth by appropriate categories, the revenue and expenditures for the year just ended.

Individuals or groups may complain to a charter school's board of trustees concerning any claimed violation of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the secretary of education who shall investigate such complaint and make a formal response.

A charter granted by the secretary of education shall be for five years. The secretary of education may revoke a school's charter if the school has not fulfilled any conditions imposed by the secretary of education in connection with the grant of the charter or the school has violated any provision of its charter. The secretary may place the charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

The secretary shall develop procedures and guidelines for revocation and renewal of a school's charter.

Notwithstanding the foregoing, no school building assistance funds, so-called, shall be awarded to a charter school for the purpose of constructing, reconstructing or improving said school.

Charter schools shall be funded as follows: If a student attending a charter school resides in a community with a positive foundation gap, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the average cost per student in said district. If a student attending a charter school resides in a community that does not have a positive foundation gap pursuant to chapter seventy, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the lesser of: (1) the average cost per student in said district; and (2) the average cost per student in the district in which the charter school is located.

SECTION 56. Section 1 of chapter 74 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following definition:-

"Vocational-technical education", organized education programs offering sequences of courses designed to educate and prepare students for both employment and continuing academic and occupational preparation. Such programs shall integrate academic and vocational education and shall include competency based applied learning which contributes to an individual's academic knowledge, higher order reasoning, and problem solving skills, work attitudes, general employability skills and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Vocational-technical education shall also include applied technology education to be taught by personnel certified in technology education.

SECTION 57. Section 2 of said chapter 74, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner, under the direction of the state board, shall approve or disapprove vocational-technical programs in accordance with regulations published by the board; provided, however, that said regulations shall more heavily favor an outcome-oriented approach for approval of such programs over a quantitative approach which solely measures time spent on lab instruction; provided, further, that said regulations shall consider a program's intention to integrate vocational and academic instruction and to train students in all aspects of a chosen industry.

SECTION 58. Section eight of said chapter seventy-four is hereby repealed.

SECTION 59. Section twenty-one A of said chapter seventy-four is hereby repealed.

SECTION 60. Section 22E of said chapter 74, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 3, the words "at its discretion" and inserting in place thereof the following words:- with professional teacher status.

SECTION 61. Chapter 76 of the General Laws is hereby amended by striking out section 12B, as amended by section 23 of chapter 6 of the acts of 1991, and inserting in place thereof the following section:-

Section 12B. (a) As used in this section, the following terms shall have the following meanings:

"Above foundation reimbursement amount", (i) for fiscal year nineteen hundred and ninety-four, fifty percent of the net losses due to the provisions of this section; provided, however, that if the amount lost by said district pursuant to subsection (f) is greater than two percent of the total school budget of said district, the amount of said reimbursement shall be equal to seventy-five percent of the net losses due to the provisions of this section; (ii) for fiscal year nineteen hundred and ninety-five, twenty-five percent of the net losses due to the provisions of this section; (iii) for all fiscal years after nineteen hundred and ninety-five, zero.

"Receiving district", any city, town or regional school district within the commonwealth in which a child does not reside, but in which that child attends public school under the provisions of this section.

"Sending district", any city, town or regional school district within the commonwealth in which a child resides, but in which that child does not attend public school under the provisions of this section.

"State school choice limit", in fiscal year nineteen hundred and ninety-four, one percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-five, one and one-half percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-six, one and three-quarters percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-seven and thereafter, two percent of the total number of students attending public schools in the commonwealth; provided, however, that students enrolled under the program for the elimination of racial imbalance as provided in section twelve A shall not be counted toward these limits.

(b) Notwithstanding the provisions of section twelve, or any other special or general law to the contrary, any child may attend a public school, in a city or town where he does not reside; provided, however, that the receiving district shall be paid by the commonwealth a tuition rate as established in subsection (f).

(c) Not later than May first of every year, the school committee of each city, town or regional school district shall submit a report to the department stating:

the district based on full or partial attendance, itemized by the amount attributable to each city or town of residence. The board may review said certification to determine that the amount of the individual tuition charged for each child is in accordance with the provisions of this section and shall inform the state treasurer of any errors. The department may also, on a post-audit basis, verify the admission and attendance of the number of children certified by each school district. In addition to the foregoing, all said districts shall, on October first and April first, report to the board and certify to the state treasurer accurate and up to date reports of all the information required in the non-resident attendance report. If the total number of students admitted to receiving districts pursuant to this section is greater than the state school choice limit, the board shall notify all districts that no more students may be accepted pursuant to this section.

(f) For each student enrolling in a receiving district, there shall be a school choice tuition amount. Said tuition amount shall be equal to seventy-five percent of the actual per pupil spending amount in the receiving district, but not more than five thousand dollars; provided, however, that for special education students whose tuition amount shall remain the expense per student for such type of education as is required by such non-resident student. The state treasurer is hereby authorized and directed to deduct said school choice tuition amount from the total education aid, as defined in chapter seventy, of said student's sending district, prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the school choice tuition amount shall be deducted from said chapter seventy education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provisions of chapter seventy by accepting section fourteen of said chapter, the commonwealth shall assess said district for said excess amount.

(g) The state treasurer is further directed to disburse to the receiving district an amount equal to each student's school choice tuition as defined in subsection (f).

(h) There shall be a parent information system established, maintained and developed by the board of education to disseminate to parents detailed and comparable information about each school system participating in the school choice program, so-called, which shall include, but not be limited to, information on special programs offered by the school, philosophy of the school, number of spaces available, transportation plans, class sizes, teacher/student ratios, and data and information on school performance that indicate its quality. Said information shall include the school profiles, so-called, developed pursuant to section one B of chapter sixty-nine. The board may include information regarding regional choice initiatives as deemed appropriate. The system shall have as its primary goal to ensure that all parents have an equal opportunity to participate in the program of interdistrict choice. The board of education, when disseminating this information shall encourage the parent and student to make at least one visit to the school of choice as part of the application procedure.

(i) Subject to appropriation, the board of education shall develop and administer a school choice transportation reimbursement program for the purpose of providing reimbursement for the transportation of pupils enrolled under the provisions of this section. Pupils eligible for said reimbursement must be eligible to receive free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC section 1758. The board may limit said reimbursement to a yearly amount. The types of transportation to be reimbursed pursuant to said program shall include, but need not be limited to, the following: (1) transportation by school buses provided by the sending or receiving district; (2) transportation provided by the parent or guardian of the child; (3) transportation provided by public transportation. All eligible pupils who attend a school district contiguous to the school district of residence of such pupil shall be eligible for said reimbursement. If cost-effective transportation alternatives exist for pupils who attend districts not contiguous to the school districts of residence of such pupil, the board may provide a transportation reimbursement. Said reimbursements may be paid to the district in which the pupil is enrolled, the district of residence of the student, or the parent, guardian or person acting as guardian of the student; provided, however, that said district or parent provide documentation of the transportation expenditure. The board of education shall promulgate regulations for the program to be placed on file with the

joint committee on education, arts and humanities of the general court. The board of education shall disseminate information to parents and school systems detailing the availability of said transportation reimbursements. A full description of said school choice transportation reimbursement program shall be submitted to the house and senate committees on ways and means and shall not become effective until ninety days after said submission. Notwithstanding the second paragraph of section one, nothing in this section shall confer upon any student attending a private school any right to transportation or reimbursement therefor.

(j) School committees may establish terms for accepting non-resident students; provided, however, that if the number of non-resident students applying for acceptance to said district exceeds the number of available seats, said school committee shall select students for admission on a random basis; provided, further, that said school committee shall conduct said random selection twice: one time prior to July first and one time prior to November first; provided, further, that no school committee shall discriminate in the admission of any child on the basis of race, color, religious creed, national origin, sex, age, sexual orientation, ancestry, athletic performance, physical handicap, special need or academic performance or proficiency in the English language. The Massachusetts commission against discrimination, established by section fifty-six of chapter six, shall have jurisdiction to enforce the provisions of this section; provided, however, that all students described in subsection (m) shall be entitled to remain in the receiving districts they are attending or have been accepted to attend. Any school committee that accepts non-resident students under the provisions of this section shall notify each district from which it has accepted a non-resident student of its acceptance of that student; provided, however, that a school committee may not publicly release the names of students leaving or entering a district under the provisions of this section.

(k) Any child accepted to attend a public school in a community other than the one in which he resides pursuant to this section shall be permitted to remain in that school system until his high school graduation, unless there is a lack of funding of the program as authorized by said sections.

(l) Notwithstanding the provisions of this section or any general or special law to the contrary, any school district which admitted children on a private tuition basis prior to June thirtieth, nineteen hundred and ninety-one

may continue, on that basis, to admit any child who attended its school system prior to that date, as well as any sibling or step-sibling of such child and any foster child residing in the home of such child.

(m) Any student who, pursuant to the provisions of this section, has been attending or has been admitted to attend a public school of a city or town in which he does not reside and for whom the commonwealth has been paying tuition or, in the case of a student recently admitted, would be required to pay tuition in the coming year, shall be deemed to be a student admitted pursuant to paragraph (j), and shall be subject to all of the provisions of this section; provided, however, that said students shall be allowed to remain in said school notwithstanding any determination of capacity or decision by the receiving district to withdraw made pursuant to this section.

(n) Subject to appropriation, any sending district for which the provisions of subsection (f) result in a reduction in state aid shall be eligible to apply for a school choice reimbursement from the commonwealth. If said sending district does not have a positive foundation gap, as defined in chapter seventy, the amount of said reimbursement shall be the above foundation reimbursement amount for that fiscal year. If said sending district does have a positive foundation gap, the amount of said reimbursement shall be equal to one hundred percent of the positive difference, if any, between (i) the amount transferred pursuant to subsection (f), and (ii) the product of the number of students leaving the sending district and the average per pupil expenditure in the sending district; provided, however, that if any district has exempted itself from the provisions of said chapter seventy by accepting section fourteen of said chapter seventy, the district shall be ineligible for a reimbursement under this subsection; provided, further, that if any district that does not have a positive foundation gap becomes a sending district for the first time in fiscal year nineteen hundred and ninety-five or any year thereafter, the reimbursement amount for that district in the first year that it is a sending district shall be the fiscal year nineteen hundred and ninety-four reimbursement amount; the reimbursement amount for that district in its second year as a sending district shall be the fiscal year nineteen hundred and ninety-five reimbursement amount. Said reimbursement application shall be submitted to the department of education on or before October first of each year together with an educational corrective action plan containing information, recommendations, and suggestions relative to (1) areas needing improvement within the

school system of the applicant, (2) methods of improvement to be employed, (3) goals and objectives of said improvement, (4) evaluation and control methods to be used, (5) personnel to be engaged in such improvement, (6) results intended to be accomplished within one year from the date of application, and (7) methods of increasing parental involvement to be employed; provided, however, that any community or regional school district that has a previously approved plan need not refile said plan; provided, further, that approval of said plan by said board shall act as a condition precedent to the distribution of said reimbursement to the applicant community or regional school district. Under no circumstances shall the total amount expended pursuant to subsections (h) and (i) and to reimburse sending districts, pursuant to this paragraph, be greater than twenty million dollars. If, in any year, the total amount that would be required to reimburse said cities at said rates would be greater than twenty million dollars, then the reimbursement rates shall be reduced proportionately to those rates at which the total cost does not exceed twenty million dollars.

(c) The commonwealth and the school committee of any town may accept funds from the federal government for the purposes of this section. Any amounts received by the school committee of any town from the federal government, from the commonwealth or from a charitable foundation or private institution shall be deposited with the treasurer of such town and held as a separate account, and may be expended by said school committee without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four. Whenever such funds are received after the submission of the annual school budget, all or any portion thereof may be expended by the school committee without further appropriation, but shall be accounted for in the next annual school budget.

SECTION 62. The definition of "Employer" or "public employer" in section 1 of chapter 150E of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the second sentence the following two sentences:- For this purpose, the chief executive officer of a city or town shall participate and vote as a member of the city or town school committee; provided, however, that if there is no town manager or town administrator in a town, the chairman of the board of selectmen shall so participate and vote. In the case of a regional school district, said chief executive officers or chairmen of boards of selectmen, as the case may be, of the

member cities and towns shall, in accordance with regulations to be promulgated by the board of education, elect one of their number to represent them pursuant to the requirements of this section.

SECTION 63. Section 3 of chapter 214 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(14) Actions brought by the attorney general in the name of the commonwealth or by any ten citizens of a city or town to compel the city or town to appropriate for the support of public education the amounts that the city or town is required to appropriate for such purpose by chapter seventy.

SECTION 64. Section seven of chapter four hundred and sixty-four of the acts of nineteen hundred and seventy-two is hereby repealed.

SECTION 65. Section eight of chapter eight hundred and forty-seven of the acts of nineteen hundred and seventy-three is hereby repealed.

SECTION 66. Section 4 of chapter 493 of the acts of 1991 is hereby amended by striking out the second sentence.

SECTION 67. This act shall apply to all cities, towns, and regional school districts, notwithstanding section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town, or regional school district or to any appropriation by the general court.

SECTION 68. Subject to appropriation, in addition to the adjusted prior year amount specified in section twelve of chapter seventy of the General Laws the state appropriation for school aid and the educational purposes set forth in said chapter seventy shall be increased based on the following schedule. In fiscal year nineteen hundred and ninety-four, the appropriation shall increase one hundred and seventy-five million dollars. In fiscal year nineteen hundred and ninety-five, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-six, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-seven, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-eight, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-nine, the appropriation shall increase an additional one hundred and ninety million dollars. In fiscal year two thousand, the appropriation shall increase an additional one hundred and ninety

million dollars. The dollar amounts specified in this paragraph shall be adjusted for inflation by multiplying the amounts for fiscal year nineteen hundred and ninety-five and subsequent years by the ratio of the value of the implicit price deflator for state government services in the third quarter of the prior calendar year to the value of that same deflator in the third quarter of nineteen hundred and ninety-three. In no case shall this adjustment factor be greater than what would be derived by a four percent annual adjustment compounded on a yearly basis.

Not later than March first, nineteen hundred and ninety-four, the department of education shall report to the house and senate committees on ways and means: (1) the amount of funds required to eliminate the foundation gap, as defined in section two of chapter seventy of the General Laws, for every school district in the commonwealth; (2) the funds thereafter remaining within the limits provided in this section; and (3) how said remaining funds may be used to reimburse all cities and towns for increases in education costs caused by inflation or to accelerate the rate at which foundation gaps are eliminated.

SECTION 69. Teachers' appeals of terminations that were commenced in the trial court before the effective date of this act may continue to proceed and be reviewed under the provisions of section forty-two of chapter seventy-one of the General Laws in effect prior to this act.

SECTION 70. There is hereby established a special commission to develop a plan to provide pre-kindergarten children ages three to four the opportunity to participate in a developmentally appropriate early childhood education program. Said commission shall include in its considerations existing programs such as public and private early childhood and head start programs. The minimum goal of said plan shall be to provide such opportunity to every child who satisfies the state eligibility standard at no cost to the child's family. The commission shall also consider in its deliberations (i) methods of providing every child in the commonwealth access to such opportunities and the feasibility and advisability of charging the families of "non-low-income" children a reasonable tuition for enrollment in a program; provided, however, sliding scale or other income based considerations shall be incorporated in any tuition available plan, (ii) methods of contracting with private early childhood providers including head start programs for services contemplated by this section, (iii) methods to provide statewide outreach to parents of pre-

kindergarten children to assist them in providing quality learning opportunities for their children in the home as well as assisting parents to complete their own education, (iv) exploring the feasibility of providing the school district with the option of implementing a full day kindergarten, (v) requiring that teachers in such programs be certified; provided, however, that the commission shall give full consideration to the CDA and OFC certification requirements currently in place. Said commission shall include in its final and any interim reports the costs associated with implementation of its recommendations and the funding sources used to meet such costs as well as any recommendation on other funding mechanism for funding early childhood education in the commonwealth.

The members of the commission shall include the following members to be appointed by the governor: a representative of the executive office of human services, a representative of the board of education or the secretary of education, a representative of the office for children, a representative of the department of public welfare, a representative of the department of social services, a head start director as recommended by the Massachusetts Head Start Directors Association, a representative of private day care providers as recommended by the Massachusetts Association of Day Care Agencies, a head start parent as recommended by the Massachusetts Head Start Association, a parent with a child in private day care as recommended by the Parents United for Child Care, an early childhood education teacher; provided, however, that said teacher shall be CDA certified. Said commission shall issue its final plan to the board of education and the house and senate clerks no later than April thirtieth, nineteen hundred and ninety-four. Said plan shall be implemented by July first, nineteen hundred and ninety-five. The minimum goals shall be accomplished on or before July first, nineteen hundred and ninety-seven.

SECTION 71. The advisory council for comprehensive interdisciplinary health education and human service programs, established pursuant to section one G of chapter fifteen of the General Laws, shall be charged with conducting a survey of all school districts' health programs to include grade level, contents and time spent in said curriculum.

The advisory council shall be charged with conducting a survey of existing comprehensive health education programs inside and outside the commonwealth and study future trends in health education and human services for public school students. The advisory council shall report its findings to the board

by December thirty-first, nineteen hundred and ninety-three and each year thereafter the council shall develop a model program to be utilized by school districts for their own programs.

SECTION 72. Each school district in the commonwealth shall no later than September first, nineteen hundred and ninety-four submit to the board of education a plan to eliminate the general track, so-called, in all district schools. Said plan shall indicate what program options a school district may determine necessary to offer students in place of general track programming and may include, but not be limited to, the creation or expansion of the following:- techprep, 2+2 programs so-called, apprenticeships and worksite training, job corps type programs, alternative learning centers, vocational-occupational programs, and college preparation programs. Said plan may also include collaboration between school districts toward accomplishment of this goal. The commissioner shall, no later than December first, nineteen hundred and ninety-five, submit an action plan to the board and the general court to eliminate the general track, so-called, in all school districts in the commonwealth. The action plan shall be based on the plans submitted by school districts and shall include funding recommendations. The commissioner shall also provide technical assistance to school districts in the development of curricula to facilitate the elimination of the general track.

SECTION 73. The board of education shall conduct a study to determine the special education services which are being provided to students pursuant to chapter seventy-one B of the General Laws. The study shall report the number of children in the commonwealth who are receiving specific, individual services and shall identify the services and associated costs for individual students. Said study shall recommend the extent to which districts ought to be eligible for additional financial assistance for each special education student attending school, either public or private, within that district. Said study shall determine the extent to which special education monies are spent on health care services. Said study shall examine alternative methods of cost sharing for medical and other related services for the purpose of providing fiscal relief to local school districts. Said study shall evaluate the feasibility and likely effectiveness of utilizing state human service agencies in diverting children from out of home placements by involving a representative from an appropriate agency of the executive office of health and human services in any individual education meeting where it is likely that the child

sic education providers and advocacy groups. The working committee shall report its findings and recommend appropriate legislation not later than October fifteenth, nineteen hundred and ninety-three.

SECTION 76. There is hereby established as a public instrumentality of the commonwealth, a corporation for education excellence to be known as the Zacharias project. The corporation's board shall consist of nine members appointed by the governor and may include outstanding classroom teachers, textbook publishers, educational software innovators, members of government, and leading university and college scholars in English, mathematics, science, history-social science and foreign language. Nothing in this section shall preclude the corporation from working with the board of education or the secretary of education. It shall be the purpose of the corporation (a) to advance continual improvement in the quality of education in the public schools, (b) to strengthen the collaborative richness between world class university thinkers and school teachers, and (c) to bring in, from the outset, the commonwealth's private sector firms involved in curriculum and instructional materials, including textbook publishing and software design. The corporation shall (1) aid the effort to make the commonwealth's curricula, instructional materials, and teaching strategies equal to or better than those used in the most educationally advanced nations of the world, (2) review curricula, courses of study, textbooks, items of technology, and other instructional materials and teaching strategies drawn up beyond or within the commonwealth's borders and help adapt such material for use in the commonwealth's schools, (3) join with others to launch new initiatives that hold the promise of major progress for schools here and around the nation and the world, and (4) to attract co-investors, co-collaborators, and purchasers from out-of-state.

SECTION 77. The provisions of sections one J and one K of chapter sixty-nine of the General Laws and sections forty-one, forty-two, and eighty-nine of chapter seventy-one of the General Laws shall not apply to employees subject to collective bargaining agreements executed prior to the effective date of this act insofar as such collective bargaining agreements are in conflict with said sections. Collective bargaining agreements effective after the date of this act shall be subject to the provisions of said sections.

SECTION 78. Subject to the approval of the board of education, the commissioner of education shall prepare a plan to carry out the policy of section

thirty-eight Q of chapter seventy-one of the General Laws. Said plan shall be filed by June first, nineteen hundred and ninety-three with the governor and the general court.

SECTION 79. There shall be appointed no later than July first, nineteen hundred and ninety-three, an education reform review commission consisting of fifteen members, five of whom shall be appointed by the governor, one of whom shall be designated to chairman the commission by the governor; provided, however, that they shall not be employees of the executive branch; provided, further, that at least two of whom shall be parents of children attending public schools, one of whom shall be the president of the University of Massachusetts, who shall furnish reasonable staff support to the commission, one of whom shall be an educator at an institution of higher education who is knowledgeable in the field of public education and one of whom shall be selected by the Association of Independent Colleges and Universities of Massachusetts, one of whom shall be appointed by the president of the Massachusetts Association of School Committees, one of whom shall be a teacher selected by the Massachusetts Federation of Teachers, one of whom shall be a teacher selected by the Massachusetts Teachers Association, one of whom shall be a superintendent of schools selected by the Massachusetts Association of School Superintendents, one of whom shall be a principal selected by the Massachusetts Elementary School Principals' Association, two of whom shall be public school principals selected by the Massachusetts Secondary School Principals' Association; provided, however, that one of whom shall be a vocational-technical education administrator; and one of whom shall be a parent selected by the Massachusetts Parent Teacher Student Association.

Said commission shall monitor the extent to which the commonwealth has carried out its responsibilities under this act and the extent to which such efforts have brought about educational reform in the commonwealth. Said commission shall have the right to request from the board of education, the secretary of education, and the joint committee on education, arts, and humanities information and data pertinent to the commission's charge, which shall be provided in a reasonable manner to the commission, including without limitation the information collected pursuant to section one I of chapter sixty-nine of the General Laws. The board, the commissioner, the secretary of education, and the chairman of the joint committee on education, arts and humanities of the general court shall make themselves available to the commis-

sion to review the activities of the commonwealth under this act. The commission shall annually file a report detailing its activities, including its findings and conclusions, to the governor, the clerk of the house of representatives, and the clerk of the senate, and said report shall be made available to the public. Commission members shall serve for a term of seven years; provided, however, that the vacancies may be filled as they occur; provided, further, that members who are required to be parents of public school children shall be replaced within one year of the date upon which they no longer have children attending a public school.

SECTION 80. The board of education shall prepare a plan to extend the time during which students attend school to reflect prevailing norms in advanced industrial countries and to address the educational needs of children in the commonwealth. Said plan shall encourage the establishment of charter schools pursuant to section eighty-nine of chapter seventy-one of the General Laws which fulfill the goals of said plan. Said plan shall contain a practical, but timely, proposal for implementation and detail all associated costs. Said plan and recommended legislation shall be filed with the governor and the clerks of the house and senate no later than January first, nineteen hundred and ninety-five. The board of education is directed to evaluate and define the amount of time, exclusive of extracurricular activities including but not limited to lunch, recess, and other non-instructional activities, students spend in the classroom. Said report which details findings and recommendations shall be filed with the general court no later than September thirtieth, nineteen hundred and ninety-three.

SECTION 81. The board of education shall, no later than January first, nineteen hundred and ninety-five, establish student academic standards as provided in section one D of chapter sixty-nine of the General Laws.

SECTION 82. The student performance standards established by the board of education insofar as they apply to the criteria for the competency determination, the certificate of mastery and the certificate of occupational proficiency established pursuant to the provisions of section one D of chapter sixty-nine of the General Laws shall apply to students entering the ninth grade as of September first, nineteen hundred and ninety-three; provided, however, that the competency determination shall not be a condition for high school graduation until September first, nineteen hundred and ninety-eight.

SECTION 83. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, any city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative which accepts the provisions of this section in the manner hereinafter provided shall, in cooperation with and upon the prescribed notification to the teacher's retirement board established under the provisions of section twenty of chapter thirty-two of the General Laws, establish and implement an early retirement incentive program for members of the teachers' retirement system and teachers employed by the city of Boston; provided, however, that in order to be deemed eligible for any of the benefit options under such program, a member (i) shall be employed by a city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative which has accepted the provisions of this section in a timely manner as specified in this section; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application to the teachers' retirement board or to the retirement board of the city of Boston; (iii) shall have by the date of his retirement twenty years of creditable service as a teacher in the teachers' retirement system, as a teacher in the Boston retirement system, as provided by subdivision (4) of section three of said chapter thirty-two, or in any combination thereof; and (iv) shall have filed a written application during one of the application periods specified in this section.

The early retirement incentive program authorized by this section may be offered to teachers by any accepting city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative in either nineteen hundred and ninety-three or nineteen hundred and ninety-four, but not in both years, as provided herein. Said retirement incentive shall be limited to two thousand five hundred eligible employees in nineteen hundred and ninety-three and to two thousand five hundred eligible employees in nineteen hundred and ninety-four. The annual cost to the state of the additional benefits payable in accordance with the retirement incentive program established by this section shall not exceed twenty million dollars after the second enrollment period. The teachers' retirement board, with the cooperation of the Boston employees' retirement board, if necessary, shall

calculate the cost to the state of the additional benefits payable in accordance with said retirement incentive program for the first year of the incentive program and the projected cost to the state of the additional benefits payable in accordance with said retirement incentive program for the second year of the incentive program and shall report on the total actual and projected state cost of said additional benefits to the secretary of administration and finance, the joint committee on public service, and the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety-three. If the report finds that the actual and projected annual state cost of the additional benefits payable in accordance with said retirement incentive program will exceed twenty million dollars, the secretary of administration and finance shall recommend corrective legislation to reduce the cost of the second year of the retirement incentive to bring the cost to the state of said retirement incentive under twenty million dollars.

In order to offer the early retirement incentive program in nineteen hundred and ninety-three, any such city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative must accept this section on or after the effective date of this act but no later than thirty days after the effective date of this act. The application period in nineteen hundred and ninety-three for retirement under this program shall commence on July first, nineteen hundred and ninety-three and end on July thirty-first, nineteen hundred and ninety-three. Teachers retiring pursuant to this program in nineteen hundred and ninety-three shall be retired for superannuation as of August thirty-first, nineteen hundred and ninety-three.

In order to offer the early retirement incentive program in nineteen hundred and ninety-four, any such city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative must accept this section on or after January first, nineteen hundred and ninety-four but no later than April thirtieth, nineteen hundred and ninety-four. The application period in nineteen hundred and ninety-four for retirement under this program shall commence on June first, nineteen hundred and ninety-four and end on June thirtieth, nineteen hundred and ninety-four. Teachers retiring pursuant to this program in nineteen hundred and ninety-four shall be retired for superannuation as of August thirty-first, nineteen hundred and ninety-four.

This section shall be accepted only in the following manner: in a city, by vote of the school committee and the city council, with the approval of the mayor or city manager; in a town, by vote of the school committee, the selectmen, and the town meeting; in a regional school district or for an independent vocational school, by vote of the regional school committee; for a county agricultural school, with the approval of the county advisory board or other county legislative body and of the county commissioners or other county executive authority, but in Barnstable, Nantucket and Suffolk counties, by the county commissioners only; for an educational collaborative, by vote of its board of directors, with the approval of the city councils and town meetings in all member municipalities. Any fiscal oversight board or fiscal control board established by a special act, which consists of at least the secretary of administration and finance or his designee and the commissioner of revenue or his designee, must also approve a municipality's acceptance.

If, in either year of the retirement incentive, the total number of applications exceeds two thousand five hundred, the teachers' retirement board shall proportionately reduce the number of accepted applications from each city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative accepting the provisions of this section in the particular year by limiting the total number of acceptable applications in each such jurisdiction to an amount calculated by multiplying two thousand five hundred by a fraction that is equal to the number of teachers who are members in-service of the teachers retirement system or the city of Boston retirement system, if applicable, in each jurisdiction divided by the total number of teachers who are members in-service of the teachers retirement system or the city of Boston retirement system, if applicable, in the total number of accepting jurisdictions for the particular year.

After the application deadline of June thirtieth, the teachers' retirement board may adjust said limits by totalling the amount of unused authorized applications in accepting jurisdictions where the total applications are less than the authorized limit. The total unused authorized applications may then be redistributed to accepting jurisdictions where the number of applications exceeded the limit. The number redistributed to any such jurisdiction shall be proportional to the ratio of total applications in the jurisdiction to the total of all applications in the accepting jurisdictions where applications exceeded the application limit: provided, however, that the adjusted limit,

which equals the sum of the number of reallocated authorized applications and the amount of the original limit, shall not exceed the total number of actual applications in a jurisdiction. Within each such city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative, if the number of applications exceeds the adjusted limit, the teachers' retirement board and the city of Boston retirement board, if applicable, shall prioritize and award acceptable applications on the basis of length of creditable service as a public school teacher.

Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for an eligible employee who is employed by a city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative which accepts the provisions of this section and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than five; provided, however, that the city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom it will approve a retirement calculated under the provisions of this section; provided, further, that if participation is limited by the city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative, the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service.

For the purposes of this section, words shall have the same meanings as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise; provided, however, that the meaning of "teacher" shall be as defined in section one of said chapter thirty-two without the exclusion in said definition of a teacher in the public

schools in the city of Boston. An employee who retires and receives an additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two; provided, however, that a teacher in the city of Boston retirement system retired under the provisions of this section shall be subject to the provisions of said chapter thirty-two only to the extent that he would have been if his retirement had not been in accordance with the provisions of this section.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives an additional benefit under the retirement incentive program in accordance with the provisions of this section shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

For any married employee who retires and receives an additional benefit under the provisions of this act, an election of a retirement option under the provisions of section twelve of said chapter thirty-two shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected, or (ii) a certification by the teachers' board of retirement or the retirement board of the city of Boston, if applicable, that such spouse has received notice of such election as hereinafter provided. If any member who is married files an election which is not so signed by his spouse, the teachers' board of retirement or the retirement board of the city of Boston, if applicable, shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until thirty days following the date on which such notification is sent, and such election may be changed by the member at any time within thirty days, or at any other time permitted under said chapter thirty-two. Nothing in this section shall be deemed to affect the effective date of any retirement allowance, but in the event of any election having been filed which is not so accompa-

nied, the payment of any allowance so elected shall not be commenced earlier than thirty days after the sending by the appropriate board of retirement of the notice required hereunder.

The teachers' board of retirement or the retirement board of the city of Boston, if applicable, shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program established by this section. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this section; (ii) a comparison of the expected lifetime retirement benefits payable to such employee under the retirement incentive program and under the existing provisions of chapter thirty-two of the General Laws; (iii) the election of a retirement option under the provisions of section twelve of said chapter thirty-two; (iv) the restrictions on employment after retirement; (v) the provisions of health care benefits under the provisions of chapter thirty-two B of the General Laws; (vi) the provisions of law relative to the payment of cost-of-living adjustments to the retirement allowance, in years in which there is such an adjustment; and (vii) the effect of federal and state taxation on retirement income. Each such employee shall sign a statement that he has received such counseling or that he does not want to receive such counseling prior to the approval by the teachers' board of retirement or the retirement board of the city of Boston, if applicable, of such employee's application for superannuation benefits and the additional benefit provided by this section.

The commissioner of the public employee retirement administration shall analyze, study, and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of this section of the retirement incentive program established by this section for each city, town, county or district which accepts the provisions of this section; provided, that said commissioner shall file a report in writing of his findings for said city, town, county or district on or before December thirty-first, nineteen hundred and ninety-four, and shall send a copy thereof to the city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative as the case may be; provided, further, that said reports shall be filed with the joint committee on public service and the house and senate committees on ways and means, the

teachers' retirement board and the commissioner of the department of revenue on or before December thirty-first, nineteen hundred and ninety-four.

The teachers' retirement board shall prepare a funding schedule for each applicable city, town, county or district which shall reflect the payment of fifty percent of the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section and a funding schedule for the commonwealth which shall reflect fifty percent of the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section; provided, however, that said schedules shall be designed to reduce the applicable city, town, county or district and the commonwealth's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and ten; provided, however, that in preparing such schedules, the board shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of this section; provided, further, that said board shall triennially update such schedules until said June thirtieth, two thousand and ten; provided, further, that the commonwealth's funding schedule and updates shall be subject to the approval of the secretary of administration and finance. Said board shall file such funding schedules with the joint committee on public service and the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-five, and shall file updates thereto triennially on or before March first of each year. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the applicable city, town, county or district which has accepted the provisions of this section to appropriate annually an amount sufficient to meet fifty percent of the additional costs and liabilities attributable to the additional benefits payable under the retirement incentive program and said applicable city, town, county or district shall pay the same to the commonwealth's pension liability fund annually; provided, however, that if any such city, town, county or district fails to make said payment, the commissioner of the department of revenue shall deduct such liability from the annual education aid provided pursuant to chapter seventy to said city, town, county or district; provided, further, that such liability deducted shall be appropriated to the commonwealth pension liability fund; pro-

vided, further, that ancillary costs attributable to any employee who retires under the retirement incentive program established by this section, limited to the payment of accrued vacation, unused sick leave or any other severance payment, shall be the financial obligation of such city, town, county or district paid out of the sums appropriated or otherwise made available to the appropriate city, town, county or district for the fiscal year nineteen hundred and ninety-five; provided, further, that there shall be no supplemental state funds for the payment of said ancillary costs; and provided, further, that fifty percent of the total premium cost for health insurance provided to any employee who so retires shall also be paid out of the sums appropriated or otherwise made available for the fiscal year nineteen hundred and ninety-five; provided, further, that any employee who so retires shall not pay more than the percentage contribution charged to any other retiree comparable health insurance coverage; provided, further, that there shall be no additional state supplemental funds to pay said insurance costs.

The board of education shall list each position made vacant by the retirement of an employee under the retirement incentive program and receiving an additional benefit in accordance with the provisions of this section and shall file such list with the joint committee on public service and the house and senate ways and means committees on or before December first, nineteen hundred and ninety-four; provided, however, that for each position, such list shall include the classification title of such position, the salary range for such title and the salary payable to the person who so retired from such position.

SECTION 84. The department of education is hereby authorized and directed to establish a demonstration project on or before September first, nineteen hundred and ninety-four, to assess various models of parent outreach programs in working with families of children between the ages of one and three years. Said project shall gather data and test a variety of parent outreach programs, in order to choose the model most effective and most compatible with the overall system in the commonwealth for universal implementation by January first, nineteen hundred and ninety-seven. The models selected shall be tested within urban, suburban, and rural school settings. Models chosen for the demonstration project shall include, but not be limited to, the following: home visits by parent educators to educate parents about the physical, mental and emotional development of children; assistance and support to parents for meeting their own educational needs; promotion of literacy within the home; substar-

tial parental involvement in activities for children; guidance at each stage of a child's development; periodic health screening and testing of children to check language and motor development; and group visits with other participating parents.

Participation by parents during the demonstrations project and thereafter shall be voluntary. Parent outreach programs shall be made available to all parents free of charge. Outreach efforts, initially, should focus on populations of children identified as educationally at risk.

Said demonstration projects shall terminate on December first, nineteen hundred and ninety-six. The department of education shall file a report of its findings, together with its recommendations and drafts of legislation necessary to implement a model program, by filing the same, on or before the first Wednesday in December, nineteen hundred and ninety-six, with the clerk of the house of representatives who shall forward the same to the joint committee on education.

The department shall submit to the general court a budget request to implement the provisions of this section no later than December thirty-first, nineteen hundred and ninety-three.

SECTION 85. The commissioner of education shall develop, pursuant to section one E of chapter sixty-nine of the General Laws, curriculum frameworks for mathematics, science and technology, history and social science, English and foreign languages no later than January first, nineteen hundred and ninety-five, and shall develop curriculum frameworks for the arts no later than January first, nineteen hundred and ninety-six.

SECTION 86. The board of education shall establish and administer a discretionary grant program to assist cities and towns in initiating and implementing drug awareness and resistance education programs, to be known as D.A.R.E. programs. Said programs may be established by municipalities to teach middle school students the skills necessary to resist drug use and shall be implemented by local and state police officers. Said discretionary grant program shall, subject to appropriation, fund fifty percent of one police officer's salary per community in communities that have implemented said D.A.R.E. programs. The secretary of public safety or the chairman of the governor's alliance against drugs shall develop criteria for selecting cities and towns to receive financial assistance pursuant to this section.

SECTION 87. The commissioner of education, the attorney general, two members of the house of representatives to be appointed by the speaker, two members of the senate to be appointed by the president of the senate, and a member to be appointed by the governor shall study the feasibility of establishing regional boarding schools and other educational alternatives in the commonwealth for dropouts and for those students who are chronically disruptive and whose disruption is not due to special needs as defined by state and federal law and regulations. Results of said study shall be submitted to the joint committee on education, arts, and humanities of the general court not later than October first, nineteen hundred and ninety-three.

SECTION 88. The attorney general shall establish a project alliance statewide training program, so-called, for school personnel relative to school safety and the law. Implementation of said program shall be coordinated by the district attorneys in each district as set forth in section thirteen of chapter twelve of the General Laws. The attorney general and the commissioner of education shall jointly establish and chair an implementation oversight committee to oversee implementation of said program. Funding for implementation of said program shall be equally divided between the office of the attorney general and the department of education.

SECTION 89. There is hereby established a student initiatives discretionary grant program for conflict resolution and peer training to be implemented by the commissioner of education. Said grant program shall fund fifty percent of the cost of student initiatives and shall be targeted toward high school students. Grant proposals shall include a statement explaining student involvement in the planning and implementation of said grant. Said program shall be subject to appropriation.

SECTION 90. No later than June first, nineteen hundred and ninety-four, the board shall (i) establish new standards for the certification of principals in light of the responsibilities given to principals under this act, and (ii) fashion procedures for recertifying persons serving as principals under these new standards.

SECTION 91. The higher education coordinating council shall promulgate guidelines for the attracting excellence to teaching program, established by section nineteen A of chapter fifteen A of the General Laws, no later than January first, nineteen hundred and ninety-four.

SECTION 92. Section thirty-eight of this act shall not apply to any person employed as a school nurse by a school committee on or before the effective date of this act.

SECTION 93. There shall be appointed a commission on regulatory relief in education to review and evaluate all statutes and regulations related to education and to make recommendations to the board to reduce the scope of, ease the administration of, simplify the compliance with, and, where appropriate, eliminate such regulations and to reduce the amount of paperwork required in connection with public education and the state's regulation thereof. The commission shall consist of fifteen members, appointed by the governor, and shall be broadly representative of the racial and ethnic diversity of the commonwealth. Members shall receive no compensation for their services but may receive reimbursement for their reasonable expenses incurred in carrying out their responsibilities as members of the commission. The secretary of education shall furnish reasonable staff and other support for the work of the commission. Upon request by the commission, the board of education, the secretary of education and the joint committee on education, arts and humanities of the general court shall provide to it information and data pertinent to the commission's charge.

SECTION 94. The departments of social services, youth services, mental health and mental retardation shall conduct an investigation and study to develop a plan to earmark between one percent and two percent of its total budget for the provisions of services in school based centers. Said study shall include without limitation recommendations for ensuring each school district's participation in said plan. The secretary of health and human services shall, in consultation with the commissioner of education, participate in said study.

Said secretary shall, on or before the last Wednesday in December, nineteen hundred and ninety-three, file said plan with the clerk of the house of representatives who shall forward the same to the joint committees on education and human services.

SECTION 95. Notwithstanding the provisions of any general or special law to the contrary, superintendents of school departments or districts shall have access to criminal offender record information on employees, prospective employee, and non-employee contract personnel who have frequent contact with students. Such information will be made available subject to procedures de-

veloped by and agreed to by the secretary of public safety and the commissioner of education.

SECTION 96. All school-aged children placed by, or under the control of, the department of public welfare or the department of social services under the provisions of sections seven and nine of chapter seventy-six of the General Laws, other than in their hometown, shall have their tuition in the public schools paid by the commonwealth to the city, town or regional school district.

SECTION 97. Notwithstanding any contrary provision of this act, the provisions of chapter six hundred and thirteen of the acts of nineteen hundred and eighty-seven shall continue to apply to the governance of the Boston school department.

SECTION 98. Each regional employment board, as established by section one hundred and five of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight, shall work with comprehensive high schools and regional vocational-technical schools in its region to develop a plan to provide transition for students into the work force. Such plan shall be incorporated into an annual report from the school district to the regional employment board. Each regional employment board shall submit a work force development strategic plan annually to the MassJobs Council. This plan shall include a comprehensive school-to-work transition policy for its region. For purposes of this section, region shall be defined by said section one hundred and five.

SECTION 99. All programs and actions undertaken under the provisions of this act shall be conducted in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups and women. All officials and employees of any school department or district shall take affirmative steps to ensure equality of opportunity in the internal affairs of such departments and districts, as well as in their relations with the public, including those persons and organizations doing business with said departments and districts. Each school district department and district shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion, transfer, recruitment, layoff or termination, rates of compensation, and in-service training programs. The department of education shall conduct an ongoing review of affirmative action steps taken by various school departments and districts to determine whether such departments and districts are complying with the intent of this section. Whenever such noncompliance is de-

terminated by the board of education, the commissioner shall hold a public hearing on the matter and report his resulting recommendations to the school committee of the department or district and to the Massachusetts commission against discrimination.

SECTION 100. The secretary of administration and finance is hereby authorized and directed to recommend revisions in the governor's budget recommendation for the fiscal year ending on June thirtieth, nineteen hundred and ninety-four to reflect the provisions of this act, including, but not limited to, the increase in aid for education and the cost of the early retirement incentive authorized by this act. Such recommendations shall be submitted to the house and senate committees on ways and means not later than the day after this act has the force of a law. Such recommendations shall specify the additional revenues, if any, or decreases in expenditure recommendations, if any, by line-item, that will ensure that the budget of the commonwealth is balanced for the fiscal year ending June thirtieth, nineteen hundred and ninety-four. No such decreases in expenditure recommendations shall be taken from local aid accounts, so-called, including but not limited to additional assistance, lottery aid, chapter eighty-one and chapter ninety highway funds, payments in lieu of taxes and police education incentive reimbursements.

SECTION 101. The board of education, with the advice of the commissioner, shall appoint an advisory commission on the student to adult resources ratio. "Adult resources" shall be defined as teachers, teacher's aides, guidance counselors and other academic support staff. The commission shall consist of eleven members, one of whom shall be the commissioner of education or his designee, who shall serve as chairperson. Six members of the commission shall be public school classroom teachers chosen to broadly represent different grade levels and disciplines, two members shall be public school principals and two members shall be parents of public school students. Said members shall serve for a term of two years each.

After December first, nineteen hundred and ninety-three the commission shall meet annually, no later than December first and file a report with the board assessing the extent of compliance with the class size regulations adopted by the board and making any recommendations for modification thereof. No member of the commission shall receive any compensation, but the members shall be reimbursed for their expenses actually and necessarily incurred in

the discharge of their official duties. The board shall provide reasonable support for the commission, including clerical and research activities.

SECTION 102. There shall be established a task force on municipal finance whose membership shall include fifteen persons familiar with issues concerning the manner in which the commonwealth's municipal services are delivered and financed.

Said membership shall consist of: five persons to be appointed by the governor, two members of the senate to be appointed by the president of the senate and five members of the house of representatives to be appointed by the speaker of the house of representatives. Said task force shall be charged with examining all aspects of the delivery and financing of municipal services with special consideration to the review and reconsideration of the recommendations made by the Hamill commission, so-called, whose report was filed with the general court on April twelfth, nineteen hundred and ninety and shall make recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before September thirtieth, nineteen hundred and ninety-three.

SECTION 103. Section sixty-four of this act shall take effect on January first, nineteen hundred and ninety-four.

SECTION 104. No charter school, established pursuant to section eighty-nine of chapter seventy-one of the General Laws may be authorized to open prior to the school year beginning in the fall of nineteen hundred and ninety-five. In the year nineteen hundred and ninety-eight, the general court shall study the effects of the limits on the number of charter school students and shall consider possible increases or decreases. Notwithstanding any reduction in the limit on the number of students allowed to attend charter schools, students enrolled in charter schools shall have a right to continue in that school through its highest grade level unless expelled for cause.

SECTION 105. Section sixty-one of this act shall take effect upon its passage: provided, however, that the provisions of subsections (c), (d), (h), and (i), and the requirement of random selection for admission in subsection (j), of section twelve B of chapter seventy-six of the General Laws shall not apply with respect to the school year beginning in September of nineteen hundred and ninety-three.

House of Representatives, June 3, 1993.

Preamble adopted,

Charles F. Walcott, Speaker.

In Senate, June 3, 1993.

Preamble adopted,

William H. Bulger, President.

House of Representatives, June 8, 1993.

Bill passed to be enacted,

Charles F. Walcott, Speaker.

In Senate, June 8, 1993.

Bill passed to be enacted,

William H. Bulger, President.

18 June, 1993.

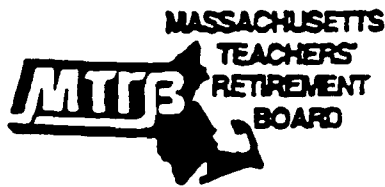
Approved,

at one o'clock and 57 minutes, P. M.

W. Uram F. Weld

Governor.

The Education Reform Act of 1993
Early Retirement Incentive Program



HIGHLIGHTS

(Revised as of July 12, 1993. Revisions are indicated by bold-italic print.)

Who will be eligible for the ERI Program?

In order to be eligible for the ERI Program a teacher or school administrator must:

- Be employed and a member of the Massachusetts Teachers' Retirement System or the State-Boston Retirement System;
- Be eligible to receive a superannuation retirement allowance upon the effective date of his/her retirement;
- Have twenty years of creditable service as a teacher¹ prior to the effective date of his/her retirement; and
- File a written application within the required application periods.

The ERI Program is a local option program; who must accept its provisions?

City... Vote of the school committee and the city council, with the approval of the mayor or city manager.²

Town... Vote of the school committee, the selectmen, and the town meeting.

Regional School District or independent vocational school... Vote of the regional school committee.

County Agricultural School... Approval of the county advisory board or other county legislative body and the county commissioner or other county executive authority.³

Educational Collaborative... Vote of its board of directors, with the approval of the city councils and town meetings in all member municipalities.

Are there any limits to the number of teachers who can participate in the program?

Yes. The ERI Program will be limited to 2,500 participants in 1993 and 2,500 participants in 1994. In addition, the number of participants may be limited in each school district.

Finally, the total cost to the Commonwealth of the pensions payable under the program must not exceed \$20 million each year⁴.

What will happen if the total number of applicants exceeds the limits?

In the event that the number of applicants exceeds the total statewide limit or the total cost of the pension benefits exceed \$20 million, the Teachers' Retirement Board will proportionately reduce the number of eligible participants in each accepting school district.

Applications will be approved on the basis of creditable service as a public school teacher; the retirement of teachers with greater creditable service will be approved before approval is given to teachers with lesser creditable service.

1. Other creditable service, such as non-teaching municipal employment or state employment, will be excluded from this calculation.
2. Any fiscal oversight board or fiscal control board created by a special act must also approve a municipality's acceptance.
3. In Barnstable, Nantucket and Suffolk counties, only the county commissioners must approve.
4. This limit has been established by language in the Commonwealth's FY'94 budget; the amendment will effectively reduce the program to approximately 700 participants or less. Prior to the amendment, the cap was on "additional benefits" paid as a result of the program and represented a total of \$20 million for both years.

What benefit does the ERI Program offer to a participant?

A participating school district may offer:

- Up to five years of age; or
- Up to five years of creditable service; or
- Up to five years of a combination of both.

In any event, the retirement allowance may not exceed 80% of the member's final average salary.

What are the "windows" for participation in the ERI Program?

For 1993: *Local acceptance... June 18, 1993 through July 19, 1993.*

Applications... July 1, 1993 through July 31, 1993.⁵

Retirement Date... August 31, 1993.

For 1994: *Local acceptance... January 1, 1994 through June 10, 1994⁶.*

Applications... June 1, 1994 through June 30, 1994.

Retirement Date... August 31, 1994.

NOTICE: *A school district cannot participate in both 1993 and 1994. A decision to participate in 1993, regardless of the outcome (i.e. number of retirements), will preclude participation in 1994.*

If a city, town, county, or district accepts the ERI Program, what is its financial obligation?

Each city, town, county, or district that accepts the ERI Program will be liable for 50% of the costs and the actuarial liabilities attributable to the additional benefits payable under the ERI Program.

When will a city, town, county, or district be required to pay its obligation?

The Teachers' Retirement Board will develop a funding schedule for each participating unit that will reflect the payment of 50% of the costs and the actuarial liabilities attributable to the additional benefits payable under the ERI Program. The schedule will be designed to reduce the city, town, county, or district's liability to zero on or before June 30, 2010. The schedule will be updated every three years.

If a city, town, county, or district fails to make the required annual payment, the commissioner of revenue will deduct the appropriate amount from the annual education aid provided pursuant to Chapter 70.

Will the Teachers' Retirement Board provide any retirement counseling to the members who are considering participation in the ERI Program?

Yes. When the Retirement Board is notified of a city, town, county, or district's acceptance of the ERI Program, the Board will schedule a benefit workshop for the eligible members who are employed within the jurisdiction. ERI Program material will be distributed and individual counseling appointments will be scheduled on a first-come, first-served basis.

Unfortunately, due to staff limitations, the Retirement Board will not be able to respond to "What if..." questions from teachers or administrators until their district has actually accepted the ERI Program.

-
5. Any member who is employed by a city, town, county, or district that accepts the ERI Program for 1993 and who has submitted his/her resignation for the purpose of retiring at the end of the 1993 school year (June 30, 1993) must adjust his/her effective date of resignation so that he/she remains employed until July 1, 1993.
 6. Prior to the amendments contained in the Commonwealth's FY'94 budget this window closed on April 30, 1994

Any additional questions with regard to the ERI Program should be addressed to either Peter Hapgood, MTRB Deputy Director, or Joan Schloss, General Counsel, at the Massachusetts Teachers' Retirement Board at (617) 727-3661.



The Commonwealth of Massachusetts

Department of Education

350 Main Street, Malden, Massachusetts 02148-5023 • (617) 388-3300

M E M O R A N D U M

To: Superintendents and School Committee Chairs

From: Robert V. Antonucci *RVA*
Commissioner of Education

Date: July 13, 1993

RE: Financial Report

Enclosed is a report summarizing by district the Fiscal Year 1993 base aid as derived from its four component parts, the total school aid for Fiscal Year 1994, and the municipal school contribution required by Chapter 71 of the Acts of 1993, the Education Reform Act.

As noted below, both the school aid the local contribution rate are not official until the budget and pending legislative changes are enacted and signed into law. School aid will only be official when certified by the Department of Revenue on the Cherry Sheets. Local contribution rates will be made official by the Department of Education as soon as corrective language agreed to by all parties is passed by the legislature and signed by the Governor. We expect both numbers to be finalized in the next three weeks.

Below is an explanation of columns (A) through (H):

- (A) **Chapter 70 Aid:-**
the state school aid to municipalities passed in last year's state budget
- (B) **EEO:-**
the Equalized Educational Opportunity Grants included in last year's state budget
- (C) **Per Pupil Grant:-**
the \$100 per student grant that was distributed to all school systems in fiscal year 1993
- (D) **Regional School Aid:-**
the aid to regional school districts included in last year's state budget
- (E) **Total Base Aid:-**
the sum of columns (A) through (D) which form the base for calculating each district's aid for fiscal year 1994

- (F) **FY 94 Chapter 70 Aid:-**
pending the Governor's signature on the state budget, this column represents the final number that school districts will receive from the state - please note, this number includes the tax equity aid that will be sent directly to municipalities
- (G) **FY 94 Change:-**
the first installment of new education reform aid to school districts included in the enacted fiscal year 1994 state budget, over and above the base aid that school districts received last year
- (H) **FY 93 Local Contribution:-**
total school spending minus state aid (E) and federal impact aid - please note, school spending includes such municipal expenditures on schools as health care and school grounds maintenance
- (I) **Increased Local Contribution:-**
the additional revenues that municipalities must contribute to their schools over and above those appropriated in their fiscal year 1993 budget

Information and further explanations regarding individual district's financial statistics will be made available at the four information sessions.

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
00/1	001	ABINGTON	3,251,792	34,527	212,300	0	3,498,619	3,851,078	352,459	6,101,722	0
00/2	002	ACTON	481,047	0	180,000	0	661,047	749,485	88,438	8,679,750	251,713
00/3	003	ACUSHNET	1,491,330	0	100,900	0	1,592,230	2,066,625	474,395	2,543,002	96,126
00/4	004	ADAMS	221,323	0	0	0	221,323	0	(221,323)	0	0
00/5	005	AGAWAM	4,283,470	1,130,479	409,700	0	5,823,649	6,096,684	273,035	12,858,427	0
00/6	006	ALFORD	0	0	0	0	0	0	0	0	0
00/7	007	AMESBURY	3,727,870	279,069	250,600	0	4,257,539	4,752,998	495,459	6,093,014	222,395
00/8	008	AMHERST	2,183,026	0	174,600	0	2,357,626	2,809,278	451,652	7,626,664	0
00/9	009	ANDOVER	1,184,598	0	492,200	0	1,676,798	1,940,906	264,108	23,951,683	742,502
01/0	010	ARLINGTON	2,317,868	0	373,900	0	2,691,768	2,871,148	179,380	20,559,980	419,424
01/1	011	ASHBURNHAM	0	0	0	0	0	0	0	0	0
01/2	012	ASHBY	0	0	0	0	0	0	0	0	0
01/3	013	ASHFIELD	0	0	0	0	0	0	0	0	0
01/4	014	ASHLAND	457,349	0	154,400	0	611,749	745,706	133,957	7,586,765	311,058
01/5	015	ATHOL	964,030	0	0	0	964,030	0	(964,030)	0	0
01/6	016	ATTLEBORO	7,818,902	2,190,798	585,000	0	10,594,700	11,582,763	988,063	13,471,624	441,869
01/7	017	AUBURN	2,198,222	0	211,400	0	2,409,622	2,522,819	113,197	8,289,631	263,610
01/8	018	AVON	152,415	0	68,400	0	220,815	251,140	30,325	3,342,057	119,710
01/9	019	AYER	2,635,951	141,300	225,700	0	3,002,951	3,665,786	662,835	3,079,234	217,086
02/0	020	BARNSTABLE	19,250	678,998	607,700	0	1,305,948	1,620,378	314,430	26,370,765	1,462,298
02/1	021	BARRE	0	0	0	0	0	0	0	6,000	0
02/2	022	BECKET	0	0	0	0	0	1,672	1,672	25,500	1,221
02/3	023	BEDFORD	490,485	0	170,300	0	660,785	744,053	83,268	11,582,454	430,867
02/4	024	BELCHERTOWN	1,492,620	512,143	194,000	0	2,198,763	2,903,010	704,247	4,997,806	0
02/5	025	BELLINGHAM	3,484,144	0	242,700	0	3,726,844	4,161,452	434,608	5,926,585	324,185

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
026	026	BELMONT	657,059	0	293,900	0	950,959	1,091,292	140,333	16,580,759	457,629
027	027	BERKLEY	588,982	183,347	66,600	0	838,929	1,131,271	292,342	1,516,971	91,929
028	028	BERLIN	211,348	0	17,800	0	229,148	262,901	33,753	625,249	6,690
029	029	BERNARDSTON	109,592	0	0	0	109,592	0	(109,592)	0	0
030	030	BEVERLY	2,749,315	0	456,100	0	3,205,415	3,747,165	541,750	18,381,190	561,816
031	031	BILLERICA	4,327,062	135,577	583,200	0	5,045,839	6,226,658	1,180,819	21,202,220	0
032	032	BLACKSTONE	0	874	0	0	874	1,241	367	41,073	653
033	033	BLANDFORD	0	0	0	0	0	0	0	0	0
034	034	BOLTON	0	0	42,500	0	42,500	65,917	23,417	2,060,987	36,891
035	035	BOSTON	44,963,846	8,295,037	6,092,200	0	59,351,083	66,602,012	7,250,929	312,113,424	0
036	036	BOURNE	697,469	0	247,300	0	944,769	1,279,435	334,666	8,347,581	420,450
037	037	BOXBOROUGH	31,465	0	28,900	0	60,365	87,756	27,391	1,343,242	80,729
038	038	BOXFORD	66,760	0	71,100	0	137,860	185,307	47,447	2,553,197	71,234
039	039	BOYLSTON	123,201	0	27,600	0	150,801	164,886	14,085	1,312,739	50,409
040	040	BRAINTREE	1,219,876	0	446,600	0	1,666,476	1,885,496	219,020	22,159,042	445,397
041	041	BREWSTER	0	30,337	71,400	0	101,737	136,192	34,455	3,116,815	54,856
042	042	BRIDGEWATER	2,880,831	6,797	237,900	0	3,125,528	3,850,241	724,713	4,188,027	188,880
043	043	BRIMFIELD	203,702	59,630	38,100	0	301,432	408,924	107,492	1,175,000	0
044	044	BROCKTON	29,237,295	5,942,839	1,427,400	0	36,607,534	41,027,599	4,420,065	17,905,569	458,383
045	045	BROOKFIELD	458,859	63,488	33,800	0	556,147	691,420	135,273	840,502	0
046	046	BROOKLINE	910,428	0	565,300	0	1,475,728	1,740,063	264,335	38,746,055	1,216,626
047	047	BUCKLAND	60,077	0	0	0	60,077	0	(60,077)	0	0
048	048	BURLINGTON	1,149,103	0	332,100	0	1,481,203	1,644,883	163,680	18,501,036	623,485
049	049	CAMBRIDGE	1,473,559	0	771,000	0	2,244,559	2,626,192	381,633	70,776,034	2,066,660
050	050	CANTON	627,229	0	253,700	0	880,929	1,001,949	121,020	12,679,442	493,230

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E) A+B+C+D	(F)	(G) F - E	(H) FY 93 Local Contribution	(I) FY 94 Increase in Local Contribution
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	Total Base Aid	FY 94 Chapter 70	FY 94 Change		
DOR	DOE										
051	051	CARLISLE	105,601	0	54,300	0	159,901	187,764	27,863	2,909,523	58,772
052	052	CARVER	1,235,630	508,952	217,014	396,789	2,358,385	3,245,230	886,845	6,352,591	0
053	053	CHARLEMONT	54,847	0	0	0	54,847	0	(54,847)	0	0
054	054	CHARLTON	52,898	0	0	0	52,898	0	(52,898)	0	0
055	055	CHATHAM	0	0	63,700	0	63,700	94,625	30,925	4,435,508	165,444
056	056	CHELMSFORD	1,661,488	0	511,500	0	2,172,988	2,944,294	771,306	21,307,916	814,366
057	057	CHELSEA	9,036,966	4,333,529	367,500	0	13,737,995	15,028,280	1,290,285	5,242,917	0
058	058	CHESHIRE	49,957	0	0	0	49,957	0	(49,957)	149,203	4,819
059	059	CHESTER	57,706	0	0	0	57,706	0	(57,706)	0	0
060	060	CHESTERFIELD	0	0	0	0	0	4,615	4,615	66,150	0
061	061	CHICOPEE	12,908,998	3,321,463	709,500	0	16,939,961	18,092,935	1,152,974	17,857,172	0
062	062	CHILMARK	0	0	4,000	0	4,000	7,545	3,545	508,806	19,945
063	063	CLARKSBURG	463,231	12,358	25,000	0	500,589	566,486	65,897	489,645	0
064	064	CLINTON	3,209,829	373,631	174,300	0	3,757,760	4,288,384	530,624	3,934,647	26,362
065	065	COHASSET	361,084	0	112,800	0	473,884	527,807	53,923	5,544,008	146,362
066	066	COLRAIN	41,234	0	0	0	41,234	0	(41,234)	0	0
067	067	CONCORD	314,058	0	160,700	0	474,758	553,848	79,090	10,560,962	190,097
068	068	CONWAY	90,282	0	17,300	0	107,582	142,427	34,845	750,166	0
069	069	CUMMINGTON	179	4,066	0	0	4,245	7,002	2,757	53,821	0
070	070	DALTON	273,727	0	0	0	273,727	275,565	1,838	0	0
071	071	DANVERS	732,167	0	304,000	0	1,036,167	1,282,590	246,423	17,316,934	599,166
072	072	DARTMOUTH	2,560,980	400,673	407,600	0	3,369,253	4,184,868	815,615	12,226,215	440,144
073	073	DEDHAM	1,039,401	0	272,300	0	1,311,701	1,444,219	132,518	14,671,109	316,896
074	074	DEERFIELD	260,495	16,216	43,000	0	319,711	340,599	20,888	1,482,125	9,930
075	075	DENNIS	0	0	0	0	0	0	0	12,248	347

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
076	076	DIGHTON	0	0	0	0	0	0	0	3,411	111
077	077	DOUGLAS	569,309	583,025	92,500	0	1,244,834	1,641,587	396,753	2,443,873	0
078	078	DOVER	0	0	41,200	0	41,200	60,018	18,818	2,824,489	99,140
079	079	DRACUT	4,023,516	64,509	369,800	0	4,457,825	5,323,015	865,190	9,307,980	330,433
080	080	DUDLEY	143,821	0	0	0	143,821	0	(143,821)	0	0
081	081	DUNSTABLE	0	0	0	0	0	0	0	0	0
082	082	DUXBURY	678,361	0	272,300	0	950,661	1,086,889	136,228	12,418,715	303,453
083	083	EAST BRIDGEWATER	2,347,876	76,023	219,600	0	2,643,499	3,290,439	646,940	6,566,849	0
084	084	EAST BROOKFIELD	0	2,860	0	0	2,860	3,910	1,050	174,917	3,551
086	085	EASTHAM	0	0	35,900	0	35,900	51,355	15,455	1,702,834	63,515
087	086	EASTHAMPTON	3,706,629	951,028	200,500	0	4,858,157	5,129,671	271,514	4,405,857	63,885
085	087	EAST LONGMEADOW	1,248,213	31,452	229,700	0	1,509,365	1,749,274	239,909	8,436,217	314,671
088	088	EASTON	2,705,681	0	328,200	0	3,033,881	3,281,199	247,318	11,043,931	288,246
089	089	EDGARTOWN	24,658	0	37,700	0	62,358	81,723	19,365	2,374,121	82,144
090	090	EGREMONT	0	0	0	0	0	0	0	0	0
091	091	ERVING	88,888	0	17,100	0	105,988	132,259	26,271	1,492,765	0
092	092	ESSEX	119,013	0	32,500	0	151,513	178,325	26,812	1,831,685	106,274
093	093	EVERETT	1,200,671	899,064	399,100	0	2,498,835	3,522,218	1,023,383	17,159,177	0
094	094	FAIRHAVEN	2,611,111	75,746	223,200	0	2,910,057	3,245,667	335,610	6,358,501	148,789
095	095	FALL RIVER	35,476,423	7,297,595	1,244,100	0	44,018,118	47,209,758	3,191,640	8,559,601	230,253
096	096	FALMOUTH	563,415	478,359	469,700	0	1,511,474	1,716,992	205,518	18,986,777	408,216
097	097	FITCHBURG	11,188,559	3,008,807	504,700	0	14,702,066	15,995,019	1,292,953	7,156,115	146,700
098	098	FLORIDA	13,356	3,454	12,900	0	29,710	64,675	34,965	464,498	0
099	099	FOXBOROUGH	2,128,675	0	239,800	0	2,368,475	2,575,388	206,913	9,061,508	270,939
100	100	FRAMINGHAM	1,966,487	0	720,000	0	2,686,487	3,052,867	366,380	37,607,821	1,041,737

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
101	101	FRANKLIN	3,426,933	0	365,000	0	3,791,933	4,596,043	804,110	10,899,975	479,599
102	102	FREETOWN	407,093	0	56,000	0	463,093	532,262	69,169	2,003,451	0
103	103	GARDNER	4,600,615	1,309,516	257,600	0	6,167,731	7,060,180	892,449	3,128,360	85,405
104	104	GAY HEAD	0	0	0	0	0	960	960	125,989	4,007
105	105	GEORGETOWN	1,039,916	0	111,100	0	1,151,016	1,362,294	211,278	3,651,537	82,537
106	106	GILL	0	0	0	0	0	0	0	0	0
107	107	GLOUCESTER	1,046,988	0	371,500	0	1,418,488	2,801,335	1,382,847	13,399,801	745,716
108	108	GOSHEN	0	0	0	0	0	2,755	2,755	54,150	1,944
109	109	GOSNOLD	0	0	0	0	0	100	100	15,548	288
110	110	GRAFTON	1,656,475	199,244	192,700	0	2,048,419	2,327,064	278,645	6,134,166	111,642
111	111	GRANBY	1,129,475	142,903	92,800	0	1,365,178	1,468,443	103,265	2,375,418	104,281
112	112	GRANVILLE	74,678	2,029	21,900	0	98,607	131,078	32,471	1,043,227	0
113	113	GREAT BARRINGTON	428,467	0	0	0	428,467	0	(428,467)	0	0
114	114	GREENFIELD	4,764,816	120,323	254,500	0	5,139,639	5,673,175	533,536	6,429,583	0
115	115	GROTON	144,992	0	0	0	144,992	0	(144,992)	0	0
116	116	GROVELAND	0	0	0	0	0	0	0	0	0
117	117	HADLEY	124,967	0	60,400	0	185,367	210,852	25,485	2,746,792	85,975
118	118	HALIFAX	802,693	33,858	64,600	0	901,151	1,068,672	167,521	1,545,157	0
119	119	HAMILTON	30,021	0	0	0	30,021	0	(30,021)	0	0
120	120	HAMPDEN	507,944	0	59,900	0	567,844	622,555	54,711	1,893,394	77,251
121	121	HANCOCK	17,690	0	4,000	0	21,690	25,965	4,275	451,510	0
122	122	HANOVER	898,915	0	219,100	0	1,118,015	1,331,099	213,084	8,924,761	85,677
123	123	HANSON	0	0	0	0	0	0	0	47,910	1,485
124	124	HARDWICK	714	0	0	0	714	0	(714)	85,486	2,787
125	125	HARVARD	470,438	0	86,400	0	556,838	598,943	42,105	4,485,144	125,136

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
126	126	HARWICH	110,484	0	131,100	0	241,584	309,194	67,610	6,919,065	0
127	127	HATFIELD	160,004	73,613	48,700	0	282,317	304,332	22,015	1,774,741	38,422
128	128	HAVERHILL	9,636,205	1,017,459	728,500	0	11,382,164	13,563,007	2,180,843	17,138,050	673,526
129	129	HAWLEY	7,556	0	0	0	7,556	0	(7,556)	0	0
130	130	HEATH	0	53,016	0	0	53,016	84,806	31,790	193,961	0
131	131	HINGHAM	969,285	0	302,700	0	1,271,985	1,419,940	147,955	14,210,688	359,530
132	132	HINSDALE	32,636	456	0	0	33,092	33,122	30	0	0
133	133	HOLBROOK	2,651,849	144,593	143,800	0	2,940,242	3,130,342	190,100	3,629,404	108,519
134	134	HOLDEN	1,090,713	0	182,100	0	1,272,813	1,481,241	208,428	6,445,100	178,529
135	135	HOLLAND	56,295	26,233	28,600	0	111,128	155,798	44,670	939,136	0
136	136	HOLLISTON	1,726,786	0	262,700	0	1,989,486	2,322,839	333,353	9,106,921	223,120
137	137	HOLYOKE	17,006,708	12,395,695	742,500	0	30,144,903	33,076,794	2,931,891	5,248,439	187,369
138	138	HOPEDALE	609,758	0	87,400	0	697,158	1,067,418	370,260	3,163,832	0
139	139	HOPKINTON	437,641	0	155,000	0	592,641	667,964	75,323	7,351,463	286,707
140	140	HUBBARDSTON	0	0	0	0	0	0	0	0	0
141	141	HUDSON	3,381,625	0	242,900	0	3,624,525	3,987,964	363,439	8,010,673	336,448
142	142	HULL	1,267,196	198,702	148,700	0	1,614,598	1,799,225	184,627	5,349,450	135,341
143	143	HUNTINGTON	42,115	0	0	0	42,115	0	(42,115)	0	0
144	144	IPSWICH	503,164	0	161,300	0	664,464	850,680	186,216	7,622,886	235,547
145	145	KINGSTON	465,596	36,322	85,500	0	587,418	736,150	148,732	3,063,404	161,748
146	146	LAKEVILLE	434,728	0	59,500	0	494,228	642,091	147,863	1,542,087	49,038
147	147	LANCASTER	1,023,899	0	60,100	0	1,083,999	1,324,406	240,407	817,524	24,526
148	148	LANESBOROUGH	290,228	0	33,600	0	323,828	356,817	32,989	1,008,635	0
149	149	LAWRENCE	25,113,557	15,067,751	1,084,300	0	41,265,608	45,797,042	4,531,434	0	0
150	150	LEE	924,360	0	92,100	0	1,016,460	1,054,245	37,785	3,168,296	108,356

Massachusetts Department of Education FY 93 Base Aid and FY 94 Chapter 70 Aid			(A) Chapter 70	(B) EEO	(C) Per Pupil Grant	(D) Regional School Aid	(E) A+B+C+D Total Base Aid	(F) FY 94 Chapter 70	(G) F - E FY 94 Change	(H) FY 93 Local Contribution	(I) FY 94 Increase in Local Contribution
DOR	DOE										
151	151	LEICESTER	2,537,143	565,592	167,900	0	3,270,635	3,573,146	302,511	3,457,505	98,539
152	152	LENOX	680,332	0	75,000	0	755,332	789,390	34,058	4,175,151	0
153	153	LEOMINSTER	7,184,711	2,249,747	529,800	0	9,964,258	11,579,210	1,614,952	10,868,230	228,233
154	154	LEVERETT	5,430	0	21,100	0	26,530	50,754	24,224	778,106	0
155	155	LEXINGTON	1,304,196	0	458,900	0	1,763,096	1,980,631	217,535	29,519,441	799,977
156	156	LEYDEN	0	0	0	0	0	0	0	0	0
157	157	LINCOLN	0	0	123,100	0	123,100	145,405	22,305	4,048,950	61,139
158	158	LITTLETON	305,234	0	99,700	0	404,934	454,102	49,168	5,547,017	186,380
159	159	LONGMEADOW	1,464,183	0	268,400	0	1,732,583	1,861,563	128,980	13,784,139	380,442
160	160	LOWELL	24,064,451	9,962,810	1,374,700	0	35,401,961	39,959,285	4,557,324	20,957,203	614,046
161	161	LUDLOW	3,032,767	323,172	281,400	0	3,637,339	4,288,783	651,444	8,869,430	0
162	162	LUNENBURG	1,421,859	0	154,400	0	1,576,259	1,831,282	255,023	4,823,145	148,553
163	163	LYNN	18,904,918	8,713,615	1,199,800	0	28,818,333	33,380,141	4,561,808	25,610,572	0
164	164	LYNNFIELD	493,143	0	165,700	0	658,843	744,350	85,507	8,632,870	154,528
165	165	MALDEN	10,474,021	0	528,900	0	11,002,921	11,983,666	980,745	15,027,617	321,591
166	166	MANCHESTER	167,341	0	71,600	0	238,941	303,623	64,682	3,493,262	94,667
167	167	MANSFIELD	1,010,515	0	286,700	0	1,297,215	1,438,035	140,820	12,467,869	255,124
168	168	MARBLEHEAD	544,056	0	245,900	0	789,956	908,917	118,961	14,165,822	260,651
169	169	MARION	0	0	40,700	0	40,700	61,253	20,553	2,160,945	73,472
170	170	MARLBOROUGH	1,063,702	0	377,000	0	1,440,702	1,685,629	244,927	18,100,149	740,296
171	171	MARSHFIELD	2,844,629	422,765	404,400	0	3,671,794	4,576,666	904,872	12,543,121	575,601
172	172	MASHPEE	0	0	113,800	0	113,800	184,138	70,338	6,714,325	361,134
173	173	MATTAPOISETT	70,193	0	54,800	0	124,993	150,168	25,175	2,350,409	74,508
174	174	MAYNARD	954,884	0	124,500	0	1,079,384	1,136,067	56,683	5,511,926	101,880
175	175	MEDFIELD	453,552	0	184,600	0	638,152	731,641	93,489	8,423,352	349,569

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
176	176	MEDFORD	7,057,568	0	514,100	0	7,571,668	7,828,106	256,438	21,948,642	638,705
177	177	MEDWAY	1,341,573	0	183,500	0	1,525,073	1,844,248	319,175	7,513,565	0
178	178	MELROSE	2,950,378	0	364,200	0	3,314,578	3,486,968	172,390	14,943,431	375,081
179	179	MENDON	0	0	0	0	0	0	0	0	0
180	180	MERRIMAC	0	0	0	0	0	0	0	0	0
181	181	METHUEN	6,017,870	2,327,451	562,700	0	8,908,021	9,770,002	861,981	16,731,746	461,797
182	182	MIDDLEBOROUGH	4,294,480	824,851	333,400	0	5,452,731	6,620,380	1,167,649	6,521,831	330,657
183	183	MIDDLEFIELD	16,956	0	0	0	16,956	0	(16,956)	0	0
184	184	MIDDLETON	30,159	81,923	49,100	0	161,182	185,170	23,988	1,632,346	28,403
185	185	MILFORD	5,058,249	1,093,364	381,800	0	6,533,413	7,074,288	540,875	12,292,546	0
186	186	MILLBURY	2,588,802	0	150,000	0	2,738,802	2,866,482	127,680	4,682,962	127,845
187	187	MILLIS	713,755	0	107,600	0	821,355	953,459	132,104	4,678,214	119,295
188	188	MILLVILLE	0	303	0	0	303	959	656	11,252	209
189	189	MILTON	592,215	0	337,200	0	929,415	1,086,670	157,255	16,804,697	463,810
190	190	MONROE	3,785	0	0	0	3,785	6,655	2,870	87,527	0
191	191	MONSON	1,601,633	248,367	126,800	0	1,976,800	2,298,605	321,805	3,083,933	0
192	192	MONTAGUE	230,936	0	0	0	230,936	0	(230,936)	0	0
193	193	MONTEREY	0	0	0	0	0	0	0	0	0
194	194	MONTGOMERY	0	0	0	0	0	0	0	0	0
195	195	MOUNT WASHINGTON	1,787	4	0	0	1,791	2,466	675	49,553	1,246
196	196	NAHANT	79,419	0	26,800	0	106,219	127,474	21,255	1,746,872	84,336
197	197	NANTUCKET	0	0	92,600	0	92,600	137,435	44,835	7,084,268	219,612
198	198	NATICK	1,187,919	0	358,100	0	1,546,019	1,714,012	167,993	20,961,846	410,852
199	199	NEEDHAM	886,773	0	363,000	0	1,249,773	1,427,873	178,100	20,588,326	430,296
200	200	NEW ASHFORD	5,045	0	0	0	5,045	6,270	1,225	117,955	1,356

[illegible]

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
226	226	OXFORD	3,130,887	74,393	210,800	0	3,416,080	4,048,871	632,791	4,993,330	0
227	227	PALMER	2,151,169	465,301	194,900	0	2,811,370	3,537,574	726,204	3,392,889	121,466
228	228	PAXTON	259,017	0	45,500	0	304,517	410,102	105,585	1,506,163	72,962
229	229	PEABODY	4,908,932	1,143,269	590,600	0	6,642,801	7,104,556	461,755	21,953,808	667,396
230	230	PELHAM	0	0	11,000	0	11,000	16,933	5,933	600,743	9,623
231	231	PEMBROKE	1,372,712	82,906	164,300	0	1,619,918	1,880,653	260,735	4,842,730	160,779
232	232	PEPPERELL	0	0	0	0	0	0	0	0	0
233	233	PERU	36,735	0	0	0	36,735	36,916	181	0	0
234	234	PETERSHAM	4,969	0	8,100	0	13,069	31,768	18,699	408,230	0
235	235	PHILLIPSTON	0	0	0	0	0	0	0	1,280	67
236	236	PITTSFIELD	12,848,751	2,894,610	683,100	0	16,426,461	17,849,823	1,423,362	14,612,084	547,953
237	237	PLAINFIELD	0	0	0	0	0	0	0	0	0
238	238	PLAINVILLE	506,847	18,662	59,100	0	584,609	683,577	98,968	1,800,983	64,295
239	239	PLYMOUTH	1,587,169	804,798	797,486	1,558,779	4,748,232	6,637,585	1,889,353	36,316,793	0
240	240	PLYMPTON	67,793	41,370	29,300	0	138,463	196,191	57,728	929,610	33,838
241	241	PRINCETON	164,419	0	43,100	0	207,519	285,144	77,625	1,576,079	56,356
242	242	PROVINCETOWN	59,405	0	40,900	0	100,305	114,203	13,898	2,819,324	85,990
243	243	QUINCY	6,872,356	0	819,900	0	7,692,256	8,070,229	377,973	37,533,085	1,369,957
244	244	RANDOLPH	4,019,549	0	393,300	0	4,412,849	4,729,390	316,541	14,141,491	0
245	245	RAYNHAM	1,075,932	29,219	136,100	0	1,241,251	1,579,879	338,628	3,465,479	172,234
246	246	READING	1,110,155	0	363,900	0	1,474,055	1,780,427	306,372	15,506,189	415,122
247	247	REHOBOTH	0	0	0	0	0	0	0	0	0
248	248	REVERE	6,324,106	0	491,500	0	6,815,606	7,760,301	944,695	15,279,825	365,188
249	249	RICHMOND	45,714	0	21,600	0	67,314	79,829	12,515	1,252,428	42,583
250	250	ROCHESTER	254,522	24,052	42,300	0	320,874	422,279	101,405	1,556,230	0

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
251	251	ROCKLAND	4,418,526	16,473	271,300	0	4,706,299	5,166,752	460,453	6,554,173	96,475
252	252	ROCKPORT	184,757	0	91,100	0	275,857	337,087	61,230	4,598,665	130,142
253	253	ROWE	0	0	11,600	0	11,600	14,090	2,490	600,001	10,860
254	254	ROWLEY	194,989	43,205	54,100	0	292,294	523,028	230,734	1,337,217	38,378
255	255	ROYALSTON	377	0	0	0	377	1,855	1,478	0	0
256	256	RUSSELL	0	0	0	0	0	0	0	0	0
257	257	RUTLAND	805,380	44,470	63,600	0	913,450	1,056,727	143,277	1,928,274	0
258	258	SALEM	2,923,955	87,718	431,100	0	3,442,773	3,769,025	326,252	19,228,245	502,417
259	259	SALISBURY	458,768	155,726	63,600	0	678,094	840,417	162,323	1,753,820	73,310
260	260	SANDISFIELD	0	0	0	0	0	0	0	0	0
261	261	SANDWICH	338,256	933,287	298,800	0	1,570,343	1,717,013	146,670	13,583,458	406,146
262	262	SAUGUS	1,263,134	0	327,900	0	1,591,034	1,808,959	217,925	15,019,061	552,702
263	263	SAVOY	146,448	7,262	6,800	0	160,510	172,161	11,651	279,092	0
264	264	SCITUATE	966,852	0	261,500	0	1,228,352	1,352,545	124,193	11,830,665	319,428
265	265	SEEKONK	1,546,617	0	218,900	0	1,765,517	1,870,512	104,995	8,429,076	318,619
266	266	SHARON	1,705,991	0	271,400	0	1,977,391	2,183,921	206,530	11,238,485	383,199
267	267	SHEFFIELD	0	0	0	0	0	0	0	4,318	198
268	268	SHELBURNE	120,952	0	0	0	120,952	0	(120,952)	0	0
269	269	SHERBORN	39,248	0	42,000	0	81,248	107,112	25,864	1,944,931	30,341
270	270	SHIRLEY	1,208,494	79,067	60,400	0	1,347,961	1,621,958	273,997	1,601,665	59,422
271	271	SHREWSBURY	2,112,272	16,299	334,200	0	2,462,771	2,751,083	288,312	14,002,125	471,503
272	272	SHUTESBURY	0	8,532	22,400	0	30,932	110,652	79,720	836,863	0
273	273	SOMERSET	429,869	0	277,700	0	707,569	1,701,636	994,067	15,864,318	0
274	274	SOMERVILLE	10,261,323	1,388,917	632,100	0	12,282,340	12,757,205	474,865	26,844,222	0
276	275	SOUTHAMPTON	421,974	80,885	44,500	0	547,359	673,496	126,137	1,114,343	30,199

Massachusetts Department of Education FY 93 Base Aid and FY 94 Chapter 70 Aid			(A) Chapter 70	(B) EEO	(C) Per Pupil Grant	(D) Regional School Aid	(E) A+B+C+D Total Base Aid	(F) FY 94 Chapter 70	(G) F - E FY 94 Change	(H) FY 93 Local Contribution	(I) FY 94 Increase in Local Contribution
DOR	DOE										
277	276	SOUTHBOROUGH	180,777	0	78,100	0	258,877	298,720	39,843	4,284,110	111,815
278	277	SOUTHBRIDGE	4,902,784	1,877,114	262,300	0	7,042,198	7,772,625	730,427	4,202,888	0
275	278	SOUTH HADLEY	2,877,893	107,624	217,500	0	3,203,017	3,385,475	182,458	6,832,730	0
279	279	SOUTHWICK	0	0	0	0	0	0	0	0	0
280	280	SPENCER	0	77,170	0	0	77,170	90,620	13,450	572,159	16,192
281	281	SPRINGFIELD	61,004,244	37,045,792	2,408,000	0	100,458,036	105,365,762	4,907,726	21,635,035	631,743
282	282	STERLING	322,777	0	82,200	0	404,977	568,849	163,872	2,923,664	0
283	283	STOCKBRIDGE	0	0	0	0	0	235	235	0	0
284	284	STONEHAM	645,079	0	266,800	0	911,879	1,079,185	167,306	12,288,403	331,936
285	285	STOUGHTON	4,740,372	0	387,400	0	5,127,772	5,613,990	486,218	13,364,696	533,252
286	286	STOW	198,946	0	64,400	0	263,346	294,469	31,123	3,162,542	88,235
287	287	STURBRIDGE	310,024	0	87,400	0	397,424	520,951	123,527	3,528,456	0
288	288	SUDBURY	369,870	0	189,700	0	559,570	652,000	92,430	9,807,307	298,142
289	289	SUNDERLAND	255,067	61,330	27,700	0	344,097	398,312	54,215	708,357	0
290	290	SUTTON	846,000	157,281	122,100	0	1,125,381	1,445,489	320,108	3,360,835	153,590
291	291	SWAMPSCOTT	470,679	0	204,900	0	675,579	766,654	91,075	9,939,197	262,394
292	292	SWANSEA	2,747,828	110,131	232,900	0	3,090,859	3,215,256	124,397	7,425,403	268,799
293	293	TAUNTON	13,175,415	2,947,751	669,700	0	16,792,866	17,860,649	1,067,783	13,269,351	542,717
294	294	TEMPLETON	447,489	0	0	0	447,489	0	(447,489)	0	0
295	295	TEWKSBURY	4,489,070	27,402	382,600	0	4,899,072	5,526,043	626,971	11,490,226	545,786
296	296	TISBURY	0	0	35,000	0	35,000	52,683	17,683	2,252,758	13,742
297	297	TOLLAND	0	0	0	0	0	0	0	0	0
298	298	TOPSFIELD	39,107	0	52,800	0	91,907	122,382	30,475	1,818,019	47,996
299	299	TOWNSEND	0	0	0	0	0	0	0	0	0
300	300	TRURO	0	0	12,900	0	12,900	21,173	8,273	1,332,094	39,963

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
301	301	TYNGSBOROUGH	890,973	333,012	145,000	0	1,368,985	1,598,475	229,490	4,703,258	35,598
302	302	TYRINGHAM	0	0	0	0	0	2,100	2,100	267,500	9,576
303	303	UPTON	0	0	0	0	0	0	0	0	0
304	304	UXBRIDGE	1,447,840	212,082	160,200	0	1,820,122	2,167,827	347,705	4,179,399	178,787
305	305	WAKEFIELD	1,739,408	0	330,200	0	2,069,608	2,237,316	167,708	17,059,705	549,323
306	306	WALES	159,188	79,835	23,600	0	262,623	342,895	80,272	432,930	0
307	307	WALPOLE	1,367,651	0	302,200	0	1,669,851	2,014,640	344,789	12,113,738	641,023
308	308	WALTHAM	2,430,681	0	531,600	0	2,962,281	3,237,026	274,745	32,820,600	1,470,363
309	309	WARE	2,253,952	272,712	131,300	0	2,657,964	3,097,132	439,168	2,540,817	0
310	310	WAREHAM	2,809,923	251,083	301,900	0	3,362,906	4,160,997	798,091	10,139,089	0
311	311	WARREN	0	0	0	0	0	0	0	0	0
312	312	WARWICK	51,342	0	0	0	51,342	0	(51,342)	0	0
313	313	WASHINGTON	35,107	91	0	0	35,198	0	(35,198)	0	0
314	314	WATERTOWN	607,792	0	254,200	0	861,992	991,787	129,795	14,230,058	344,367
315	315	WAYLAND	577,404	0	215,300	0	792,704	894,947	102,243	12,947,880	347,003
316	316	WEBSTER	3,480,560	381,936	190,100	0	4,052,596	4,401,329	348,733	5,290,189	104,746
317	317	WELLESLEY	640,569	0	299,100	0	939,669	1,084,794	145,125	19,989,204	315,830
318	318	WELLFLEET	0	0	19,300	0	19,300	28,688	9,388	1,062,813	38,049
319	319	WENDELL	28,355	0	0	0	28,355	0	(28,355)	0	0
320	320	WENHAM	0	0	0	0	0	0	0	0	0
328	321	WESTBOROUGH	613,672	0	207,700	0	821,372	930,487	109,115	12,926,195	471,806
321	322	WEST BOYLSTON	585,583	0	81,100	0	666,683	708,011	41,328	3,473,709	99,001
322	323	WEST BRIDGEWATER	1,045,577	0	100,200	0	1,145,777	1,197,748	51,971	3,865,856	140,330
323	324	WEST BROOKFIELD	0	0	0	0	0	0	0	0	0
329	325	WESTFIELD	7,512,679	2,845,387	605,900	0	10,963,966	12,496,986	1,533,020	12,364,484	116,226

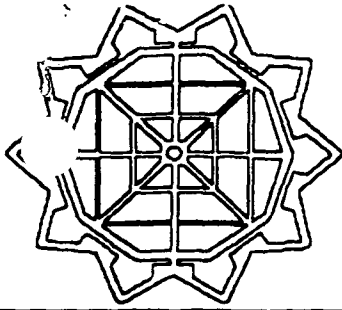
Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
330	326	WESTFORD	946,117	0	296,100	0	1,242,217	1,520,167	277,950	12,943,184	486,319
331	327	WESTHAMPTON	18,050	0	16,100	0	34,150	62,560	28,410	584,433	0
332	328	WESTMINSTER	0	0	0	0	0	0	0	0	0
324	329	WEST NEWBURY	0	0	0	0	0	0	0	0	0
333	330	WESTON	104,153	0	157,500	0	261,653	330,583	68,930	11,438,232	245,922
334	331	WESTPORT	1,667,977	42,811	186,300	0	1,897,088	1,998,011	100,923	6,560,930	197,260
325	332	WEST SPRINGFIELD	3,757,642	1,021,050	362,700	0	5,141,392	5,815,291	673,899	11,177,479	488,456
326	333	WEST STOCKBRIDGE	0	0	0	0	0	0	0	0	0
327	334	WEST TISBURY	19,768	0	33,500	0	53,268	67,658	14,390	1,836,151	68,305
335	335	WESTWOOD	529,947	0	176,300	0	706,247	792,125	85,878	12,333,943	492,124
336	336	WEYMOUTH	9,516,774	663,931	656,200	0	10,836,905	11,735,678	898,773	19,585,838	542,528
337	337	WHATELY	9,753	0	13,000	0	22,753	42,262	19,509	612,696	23,037
338	338	WHITMAN	0	0	0	0	0	0	0	95,675	0
339	339	WILBRAHAM	825,429	0	153,600	0	979,029	1,414,915	435,886	4,555,875	132,120
340	340	WILLIAMSBURG	198,190	0	23,400	0	221,590	232,720	11,130	849,242	23,524
341	341	WILLIAMSTOWN	563,670	0	56,400	0	620,070	645,710	25,640	1,865,823	23,509
342	342	WILMINGTON	945,504	0	287,200	0	1,232,704	1,380,552	147,848	13,498,731	284,014
343	343	WINCHENDON	2,480,889	709,320	160,400	0	3,350,609	3,723,830	373,221	2,505,116	0
344	344	WINCHESTER	944,830	0	289,100	0	1,233,930	1,371,330	137,400	15,178,783	459,917
345	345	WINDSOR	0	0	0	0	0	579	579	3,600	110
346	346	WINTHROP	2,309,266	0	198,500	0	2,507,766	2,613,088	105,322	8,109,867	110,294
347	347	WOBURN	1,206,069	0	446,400	0	1,652,469	1,871,847	219,378	21,026,039	731,706
348	348	WORCESTER	41,110,461	8,766,695	2,105,200	0	51,982,356	56,359,770	4,377,414	51,751,151	0
349	349	WORTHINGTON	0	0	0	0	0	0	0	0	0
350	350	WRENTHAM	721,013	13,689	92,900	0	827,602	1,063,321	235,719	2,282,112	80,102

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E) A+B+C+D	(F)	(G) F - E	(H) FY 93 Local Contribution	(I) FY 94 Increase in Local Contribution
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	Total Base Aid	FY 94 Chapter 70	FY 94 Change		
DOR	DOE										
3511	351	YARMOUTH	0	0	0	0	0	0	0	14,570	457
4011	401	LAWRENCE VOCATIONAL	0	0	0	0	0	0	0	0	0
4066	406	NORTHAMPTON SMITH	672,112	0	53,500	0	725,612	734,192	8,580	1,273,818	29,807
4088	408	WORCESTER TRADE	5,177,054	445,344	137,800	0	5,760,198	5962473	202,275	3,591,518	0
7011	600	ACTON BOXBOROUGH	732,675	0	172,200	814,347	1,719,222	1,812,892	93,670	9,295,588	318,290
7022	603	ADAMS CHESHIRE	2,116,460	653,510	191,600	2,429,365	5,390,935	6,094,064	703,129	2,516,865	58,940
7033	605	AMHERST PELHAM	2,231,489	0	150,300	1,690,473	4,072,262	4,558,778	486,516	6,616,806	0
7044	610	ASHBURNHAM WESTMINSTE	1,263,128	555,850	223,800	2,125,565	4,168,343	4,911,202	742,859	5,110,266	79,658
7177	612	ASHFIELD PLAINFIELD	112,399	43,606	22,000	169,331	347,336	384,452	37,116	497,109	19,364
7055	615	ATHOL ROYALSTON	2,699,934	1,703,867	219,700	2,154,830	6,778,331	8,594,449	1,816,118	948,754	27,572
7066	618	BERKSHIRE HILLS	712,346	0	168,200	735,940	1,616,486	2,181,353	564,867	8,379,596	0
7077	620	BERLIN BOYLSTON	264,226	0	30,500	301,200	595,926	626,432	30,506	1,810,634	52,640
7655	622	BLACKSTONE MILLVILLE	2,016,274	101,195	190,500	2,662,399	4,970,368	5,329,982	359,614	3,090,291	51,073
7100	625	BRIDGEWATER RAYNHAM	1,225,161	0	135,200	1,517,499	2,877,860	2,955,538	77,678	4,241,491	198,560
7111	630	BUCKLAND SHELBURNE	372,540	131,331	64,100	328,689	896,660	1,186,661	290,001	1,386,971	0
6322	632	CHESTERFIELD GOSHEN	89,913	25,522	21,400	122,770	259,605	312,925	53,320	570,909	8,532
7122	635	CENTRAL BERKSHIRE	1,080,089	0	227,600	2,599,093	3,906,782	4,316,541	409,759	6,880,746	60,897
7133	640	CONCORD CARLISLE	466,567	0	85,200	430,636	982,403	1,021,983	39,580	6,711,921	124,343
7144	645	DENNIS YARMOUTH	1,472,442	287,436	430,300	1,246,176	3,436,354	3,802,688	366,334	16,841,209	521,949
7155	650	DIGHTON REHOBOTH	2,769,983	17,479	271,000	3,474,687	6,533,149	6,874,848	341,699	6,486,339	240,313
7166	655	DOVER SHERBORN	305,097	0	62,000	304,322	671,419	705,452	34,033	5,036,511	128,171
7800	658	DUDLEY CHARLTON	2,704,708	569,445	339,700	3,366,264	6,980,117	8,174,529	1,194,412	5,041,843	193,373
7766	660	NAUSET	561,110	55,604	134,600	348,218	1,099,532	1,219,451	119,919	7,234,243	195,651
7444	662	FARMINGTON RIVER	26,494	0	21,200	35,865	83,559	190,721	107,162	1,550,984	33,665
7188	665	FREETOWN LAKEVILLE	977,723	783,029	176,600	1,525,120	3,462,472	3,620,488	158,016	4,699,442	68,835

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	BEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
720	670	FRONTIER	222,207	9,266	55,400	343,642	630,515	757,343	126,828	2,398,122	8,367
721	672	GATEWAY	989,403	285,824	162,500	2,069,192	3,506,919	4,143,607	636,688	4,478,320	30,516
772	673	GROTON DUNSTABLE	648,854	0	162,700	1,343,844	2,155,398	2,472,583	317,185	5,330,461	213,367
764	674	GILL MONTAGUE	1,286,657	223,497	161,800	1,804,477	3,476,431	4,051,828	575,397	3,883,520	0
724	675	HAMILTON WENHAM	662,299	0	182,100	749,971	1,594,370	2,014,021	419,651	7,525,291	178,775
725	680	HAMPDEN WILBRAHAM	726,746	0	85,800	1,085,122	1,897,668	1,946,851	49,183	3,605,661	115,536
726	683	HAMPSHIRE	478,676	4,680	64,800	672,707	1,220,863	1,293,690	72,827	2,293,941	47,509
727	685	HAWLEMONT	41,413	53,363	20,100	103,736	218,612	336,227	117,615	493,258	0
728	690	KING PHILIP	1,263,665	5,379	141,500	1,366,327	2,776,871	2,884,388	107,517	4,545,349	154,975
729	695	LINCOLN SUDBURY	679,463	0	88,800	467,399	1,235,662	1,279,627	43,965	7,433,137	212,050
731	700	MARTHAS VINEYARD	191,229	0	46,500	179,612	417,341	485,093	67,752	3,875,681	84,722
732	705	MASCONOMET	700,749	0	112,600	664,923	1,478,272	1,554,245	75,973	5,720,595	141,779
733	710	MENDON UPTON	740,604	0	128,900	1,372,010	2,241,514	2,550,891	309,377	3,450,572	186,051
736	715	MOUNT GREYLOCK	683,007	0	63,800	746,680	1,493,487	1,528,613	35,126	2,984,258	7,597
734	717	MOHAWK TRAIL	390,076	181,213	70,100	639,911	1,281,300	1,532,879	251,579	2,320,766	15,837
737	720	NARRAGANSETT	1,521,388	218,322	142,500	1,895,795	3,778,005	4,471,513	693,508	1,927,660	28,170
738	725	NASHOBA	290,254	0	60,900	492,988	844,142	895,964	51,822	3,521,946	90,835
787	728	NEW SALEM WENDELL	108,847	51,836	21,900	129,665	312,248	423,895	111,647	445,422	6,084
741	730	NORTHBORO SOUTHBORO	324,727	0	85,300	594,952	1,004,979	1,046,869	41,890	3,832,348	128,864
740	735	NORTH MIDDLESEX	3,086,205	260,739	443,400	4,878,873	8,669,217	10,087,260	1,418,043	8,322,984	132,693
745	740	OLD ROCHESTER	340,813	0	93,500	458,997	893,310	1,034,729	141,419	5,147,196	0
746	745	PENTUCKET	2,196,001	42,008	259,500	1,123,596	3,621,105	6,082,609	2,461,504	7,384,623	114,628
747	750	PIONEER	116,704	121,656	106,100	1,154,200	1,498,660	1,838,911	340,251	3,206,866	0
748	751	PLYMOUTH CARVER	0	0	0	0	0	0	0	0	0
749	753	QUABBIN	2,253,795	1,011,613	245,000	2,455,952	5,966,360	6,863,455	897,095	3,998,667	97,541

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
730	755	RALPH C MAHAR	955,555	89,343	76,600	1,016,971	2,138,469	2,414,562	276,093	2,482,068	0
752	760	SILVER LAKE	2,346,712	997,084	241,300	2,263,814	5,848,910	5,989,255	140,345	7,344,965	232,677
755	765	SOUTHERN BERKSHIRE	386,494	11,940	98,800	338,367	835,601	1,169,531	333,930	4,087,622	171,874
766	766	SOUTHWICK TOLLAND	2,110,905	356,741	168,000	1,867,805	4,503,451	4,608,821	105,370	3,355,553	0
756	767	SPENCER EAST BROOKFIELD	4,190,501	1,110,290	234,900	3,116,407	8,652,098	9,064,519	412,421	1,972,128	53,272
757	770	TANTASQUA	868,222	244,399	139,300	1,242,098	2,494,019	2,884,203	390,184	4,843,940	0
763	773	TRITON	455,698	469,362	111,900	687,131	1,724,091	1,915,225	191,134	4,295,299	154,353
759	775	WACHUSETT	1,021,065	0	153,000	1,653,989	2,828,054	3,006,629	178,575	5,959,748	102,973
750	778	QUABOAG	1,780,471	394,523	141,900	1,722,082	4,038,976	4,422,504	383,528	1,925,603	49,040
761	780	WHITMAN HANSON	5,765,043	71,239	416,100	2,691,152	8,943,534	12,117,867	3,174,333	9,069,794	118,210
770	801	ASSABET VALLEY	1,522,952	26,625	90,400	842,945	2,482,922	2,539,164	56,242	3,849,332	140,722
708	805	BLACKSTONE VALLEY	1,681,238	668,657	69,900	839,958	3,259,753	3,412,404	152,651	1,904,198	48,327
709	806	BLUE HILLS	2,141,702	0	107,700	581,660	2,831,062	2,956,232	125,170	4,352,138	69,399
771	810	BRISTOL PLYMOUTH	1,703,890	449,290	80,600	1,229,150	3,462,930	3,500,684	37,754	2,553,733	112,860
779	815	CAPE COD	1,171,782	0	46,000	300,169	1,517,951	1,544,411	26,460	2,991,550	94,594
782	818	FRANKLIN COUNTY	646,979	0	40,500	812,700	1,500,179	1,639,205	139,026	2,211,507	0
722	821	GREATER FALL RIVER	2,389,829	1,485,606	114,400	1,028,799	5,018,634	5,488,523	469,889	941,161	17,099
723	823	GREATER LAWRENCE	3,743,277	1,797,322	145,700	1,785,663	7,471,962	7,746,629	274,667	4,182,772	120,021
786	825	GREATER NEW BEDFORD	4,563,011	1,904,189	168,900	2,258,454	8,894,554	9,540,245	645,691	1,781,510	55,158
767	828	GREATER LOWELL	4,865,706	1,188,825	211,600	3,065,328	9,331,459	9,703,199	371,740	4,777,645	139,664
778	829	SOUTH MIDDLESEX	1,456,672	0	74,000	546,938	2,077,610	2,112,596	34,986	4,728,529	133,308
781	830	MINUTEMAN	1,573,199	0	70,300	414,535	2,058,034	2,092,203	34,169	6,485,600	161,511
735	832	MONTACHUSETT	2,415,307	781,258	106,000	1,289,084	4,591,649	4,865,353	273,704	3,131,432	60,843
743	851	NORTHERN BERKSHIRE	1,035,636	0	44,300	658,018	1,737,954	1,878,360	140,406	1,224,689	3,105
739	852	NASHOBA VALLEY	944,391	17,207	50,600	673,441	1,685,639	1,735,872	50,233	1,940,219	54,570

Massachusetts Department of Education			(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
FY 93 Base Aid and FY 94 Chapter 70 Aid			Chapter 70	EEO	Per Pupil Grant	Regional School Aid	A+B+C+D Total Base Aid	FY 94 Chapter 70	F - E FY 94 Change	FY 93 Local Contribution	FY 94 Increase in Local Contribution
DOR	DOE										
742	853	NORTHEAST METROPOLITAN	1,927,573	0	113,800	898,298	2,939,671	3,172,700	233,029	5,314,564	105,400
783	854	NORTH SHORE	737,870	0	44,800	202,303	984,973	1,034,275	49,302	1,960,509	56,378
784	855	OLD COLONY	912,340	82,440	44,500	682,312	1,721,592	1,810,816	89,224	1,893,707	0
773	860	PATHFINDER	598,396	324,275	57,300	554,696	1,534,667	1,695,656	160,989	2,352,837	26,771
751	871	SHAWSHOEN VALLEY	1,667,186	46,429	103,500	966,861	2,783,976	2,892,233	108,257	6,474,623	129,060
754	872	SOUTHEASTERN	2,964,341	1,316,297	126,200	1,353,571	5,760,409	5,986,736	226,327	2,940,370	72,908
753	873	SOUTH SHORE	736,834	0	38,300	633,804	1,408,938	1,444,323	35,385	2,315,038	28,681
762	876	SOUTHERN WORCESTER	1,752,122	512,198	100,000	1,203,612	3,567,932	3,791,140	223,208	2,541,284	40,086
785	878	TRI COUNTY	1,052,884	101,062	73,100	803,291	2,030,337	2,091,909	61,572	3,327,589	116,319
758	879	UPPER CAPE COD	488,304	429,215	46,400	148,037	1,111,956	1,159,362	47,406	2,433,357	39,054
774	885	WHITTIER	2,555,459	0	96,700	1,440,552	4,092,711	4,184,776	92,065	3,886,970	139,023
810	910	BRISTOL COUNTY	498,916	0	29,600	650,069	1,178,585	1,194,295	15,710	1,705,385	43,405
820	913	ESSEX COUNTY	1,026,536	684,632	83,300	644,027	2,438,495	2,571,567	133,072	2,506,282	77,291
830	915	NORFOLK COUNTY	366,001	0	32,400	183,786	582,187	593,313	11,126	1,807,075	55,500
		STATE TOTAL	898,131,787	205,384,381	84,836,800	100,424,805	1,288,777,773	1,432,277,773	143,500,000	2,996,363,819	66,832,507



Massachusetts Municipal Association

LEGISLATIVE BULLETIN

Special Edition

July 1, 1993

cc: BOS

JUL - 6 1993

EDUCATION REFORM BILL BECOMES LAW: CHAPTER 71 OF THE ACTS OF 1993

A sweeping new education law that will dramatically change the way that local elementary and secondary schools are financed and operated in Massachusetts was approved by Governor William F. Weld on June 18th. This new law, Chapter 71 of the Acts of 1993, took effect immediately and will affect municipal budgets beginning in Fiscal 1994. This Special Edition of the Legislative Bulletin takes a look at three of the provisions of new law that local officials need to be aware of right away; school finance, early retirement for teachers, and participation by the municipal executive in school-related collective bargaining negotiations.

N. / SCHOOL FINANCE RULES FOR FY 1994

The new law calls for the state, subject to appropriation, to pump \$140 million in new aid into municipalities and school districts next year and additional amounts annually through Fiscal 2000. In addition, cities and towns that fall short of state-set school spending targets must increase their contribution of local revenues to schools.

The state's Department of Education is responsible for calculating school aid and mandated local contribution amounts. For Fiscal 1994, cities and towns should not expect to be notified of these amounts until late July 1993 or early August when the state's Department of Revenue is expected to distribute Cherry Sheets. Unofficial estimates of aid and local contribution amounts for next year have been provided to many municipal officials. These amounts should be viewed only as estimates for next year and should not be used as the basis for any final budget decisions.

Chapter 71 established a whole new framework for financing local schools. There are two concepts developed in the new law that together determine how much school aid a municipality or school district will receive and to what extent a city or town will

have to increase its spending on schools from local revenues.

"Foundation Budget"

The first concept, the "foundation budget", is a state-calculated spending target for each school district. It represents the minimum amount that state officials believe needs to be spent in a school district to provide a decent education for its students. Districts spending less than the foundation amount are required to increase spending, from new state aid and from increased local contributions, in order to come up to the foundation budget amount over a period of years. For districts spending more than the foundation budget, the foundation amount acts as a floor which district spending cannot drop below. Each year the foundation budget is recalculated to account for enrollment changes and inflation.

"Standard of Effort"

The second concept, the "standard of effort", is a measurement of how hard a city or town is trying - from the property tax and other local revenues - to fund local schools. The state-wide standard is \$9.40 per \$1,000 of equalized property value adjusted for personal income wealth in a municipality. Cities and towns that are contributing less than this standard must increase school spending from local revenues in a two stage process. First, the local contribution must be increased by a base amount designed to earmark a portion of any local revenue growth for schools and, second by an additional amount according to a schedule designed to reach the effort target after seven years. The standard is adjusted upward annually to reflect growth in local revenue capacity. Not all municipalities are required to close their standard of effort gap from local revenues. Property

"poor" cities and towns get help from the state to close the gap while property "rich" cities and towns must close the gap using local revenues.

New Rules

The local contribution rules that apply to a municipality depend on whether or not the city or town meets or falls short of the two standards. There are four possibilities, and different rules apply in each case.

1. Cities and towns that are spending less than the "foundation budget" and contributing less than the "standard of effort" must increase their local contribution to schools by the "municipal revenue growth factor", plus a portion of the standard of effort gap. For property poor municipalities, all or a portion of the "standard of effort" gap payment is reduced by "overburden aid".

The "municipal revenue growth factor" is an estimate of the percent increase from one fiscal year to the next in recurring local revenues available for general fund purposes, including most non-school related state aid. Enterprise fund revenues and property tax levy growth attributable to overrides and exclusions are not included.

2. Cities and towns that are spending less than the "foundation budget" but contributing more than the "standard of effort" must spend at least the standard of effort or the Fiscal 1993 local contribution.

3. Cities and towns that are spending more than the "foundation budget" but contributing less than the "standard of effort" must increase their local contribution to schools by the municipal revenue growth factor only.

4. Cities and towns that are spending more than the "foundation budget" and contributing more than the "standard of effort" must spend at least the standard of effort or the Fiscal 1993 local contribution.

Special Rules

There are a number of important special rules governing the required local contribution to schools.

1. Cities and towns that are contributing more than the "standard of effort" but spending less than the "foundation budget" may reduce the local contribution below the Fiscal 1993 contribution if the total municipal budget is being decreased. The percent reduction in the contribution to schools cannot exceed the overall percent cut in the municipal budget.

2. Cities and towns may also be able to find some relief from the local contribution requirement if the provision included in the Senate version of the Fiscal 1994 budget becomes law. This provision would allow the Department of Revenue to reduce the

local contribution requirement for any city or town for a fiscal year if the municipality used non-recurring revenues in the prior year to support school spending.

What Counts As School Spending?

When trying to figure out the required municipal contribution to schools and whether or not the "standard of effort" target is being met, local officials need to keep in mind that only some types of school spending count as education spending under the new law. This is important for municipalities, particularly for those considering school construction projects. The new law defines "net school spending" as the "total amount spent for the support of public education" minus certain other school spending amounts. Net school spending is not the same amount as the school budget. Spending for health insurance for school personnel, for example, can be counted even if it is not included in the school budget. On the other hand, spending for long-term debt service, student transportation, school lunches, and spending from tuition payments and revenues from school-related fees and charges cannot be counted toward meeting the local contribution requirement.

EARLY RETIREMENT FOR TEACHERS

The new education law includes a local option early retirement incentive program for teachers during 1993 and 1994.

Acceptance Requirements and Deadlines

The program must be accepted by a city town or regional school committee in the following manner: in a city, by vote of the school committee and the city council, with the approval of the mayor or city manager; in a town, by vote of the school committee, the selectmen, and the town meeting; in a regional school district or for an independent vocational school, by vote of the regional school committee. Any fiscal oversight board or fiscal control board established by special act must also approve a municipality's acceptance.

A school district cannot participate in both 1993 and 1994. A city, town, or regional school committee offering the incentive in 1993 must do so no later than 30 days after the effective date of the act, June 18, 1993. Teachers retiring under the incentive program must retire as of August 31, 1993.

A city, town, or regional school committee offering the incentive in 1994 must accept the section on or

after January 1, 1994, but no later than April 30, 1994. An amendment pending in the state's Fiscal 1994 budget would extend this date to June 10, 1994.

Eligibility

A teacher with twenty years of creditable service as a teacher in the teachers' retirement system who is eligible to receive a superannuation retirement allowance is eligible. The incentive is limited to 2,500 teachers in 1993 and 2,500 teachers in 1994. If in either year the applicants exceed 2,500, the state teachers' retirement board will proportionally reduce the number of accepted applications. In addition, the number of participants may be limited in each school district.

Benefits

Teachers retiring under the plan receive up to an additional five years to their age or five years of creditable service or a combination of additional years of age and service not greater than five years. A city, town, or regional school committee may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom it will approve a retirement. If participation is limited, the retirement of teachers with creditable service must be approved before approval is given to those with lesser creditable service.

Funding

A city, town or district is responsible for fifty percent of the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program. The teachers' retirement board is responsible for preparing a funding schedule for a city, town, or district. The schedule must provide that the pension liability be reduced on or before June 30, 2010. The schedule must be updated every three years. Any ancillary costs attributable to any employee who retires under this plan, such as accrued vacation, sick leave or any other severance payment is the obligation of the city, town or district.

The new law provides that the state's share of the cost of the additional benefits payable under the incentive plan shall not exceed \$20 million after the second incentive period. If the costs are projected to exceed \$20 million, the Secretary of Administration and Finance must file corrective legislation to reduce the cost of the second year incentive to bring the cost under \$20 million. An amendment pending in the

Fiscal 1994 state budget would redefine what costs are considered under the \$20 million cap. The pending provision would include both the additional benefits and the pension base. It is estimated that this change would reduce the number of retirements eligible under the cap to around 700.

MUNICIPAL EXECUTIVE ON SCHOOL COLLECTIVE BARGAINING TEAM

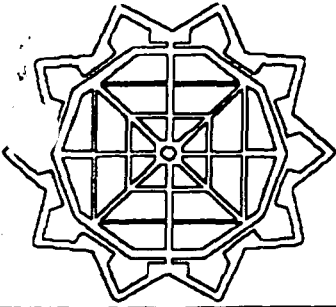
The new education law amends the public employees labor relations statute, Chapter 150E, to add the municipal chief executive officer to the school committee to "participate and vote" in collective bargaining negotiations with school employees. If there is no town manager or town administrator in a town, the responsibility rests with the chairman of the board of selectmen. In regional school districts, the member cities and towns elect a manager, administrator, or selectmen to participate and vote as part of the regional school district committee. The Department of Education is responsible for preparing regulations governing municipal representation on regional school district committees.

IMPLEMENTATION CHALLENGES

The Department of Education has just begun the process of developing the regulations that will guide the implementation of the new law. As a result, every municipality will have entered the new fiscal year without knowing the law's full impact on local budgets.

There may even be changes to the new law. The governor has just filed legislation that would make changes in key areas. First, the administration proposed to waive mandated local school spending increases for those municipalities above the "foundation" level. Second, school districts that have below "foundation" budgets, but in which 75 percent of students have demonstrated grade level competency, would not be required to raise their budgets up to the "foundation" level. Third, the governor would give municipalities, at local option, the ability to require town meeting or city council approval of all school collective bargaining contracts.

While the MMA supports these changes to Chapter 71, we previously urged the governor to hold off signing the new education law until these amendments had been incorporated. With the new law in place, it is not likely that these proposals will be acted upon soon enough to be of any benefit this year.



Massachusetts Municipal Association LEGISLATIVE BULLETIN

July 2, 1993

JUL - 6 1993

FISCAL 1994 STATE BUDGET BEFORE CONFERENCE COMMITTEE: NO NEW LOTTERY AID IN SENATE VERSION

The state Senate completed debate on its FY 1994 budget last week, refusing to hold a recorded roll call vote on the MMA amendment to restore the \$46 million lottery aid increase approved by the House in its spending plan. The budget deliberations now move to a joint conference committee charged with drafting a compromise budget. Key legislative leaders have indicated that the conference committee could produce a budget by July 8 or 9. In the meantime, the state has adopted a three-week budget to pay its bills until a final spending blueprint is adopted.

A number of items of major concern to cities and towns have yet to be resolved. The House version describes distribution of the \$46 million in increased lottery receipts, but does not fund the \$175 million education reform law. The Senate uses the \$46 million in lottery aid to balance the state budget and pay for part of the education bill, which it fully funds. The dispute over lottery aid is the matter of greatest concern to communities. Since both branches have turned down MMA's amendments to maintain the \$37 million Chapter 90 road construction program, the \$46 million lottery aid item is the largest local aid item subject to the conference committee's deliberations.

This issue of the *Legislative Bulletin* highlights many of the issues of concern to cities and towns that are before the conference committee.

APPROPRIATION ITEMS

Lottery Distributions

The House [section 3] would distribute \$375 million; the Senate [section 3] only \$329 million. State Lottery Fund proceeds for Fiscal 1994 are projected at \$1 million. The MMA strongly supports the House version, which would keep the Lottery diversion from

exceeding \$75 million using current estimates for Fiscal 1994.

Chapter 81 Motor Fuels Excises Distributions

The House [item 6005-0017] would distribute \$43,472,110; the Senate [item 6005-0017] \$43,475,655 or \$3,545 more. The MMA supports the Senate version.

School Aid

The House [several items] would distribute \$1,290,408,065 for Chapter 70 School Aid, Chapter 71 Regional School District Incentive Aid, Equal Educational Opportunity Grants (EEOG), and Fiscal 1993 \$100/student aid; the Senate [item 7061-0008] \$1,432,415,996 or \$142,007,931 more in order to fund the new education law. The MMA supports the Senate version.

Local Share of Racing Taxes

The House [item 0611-5800] would distribute \$1,280,181; the Senate [item 1011-5800] \$1,467,500 or \$187,319 more. The MMA supports the Senate version.

Veterans Benefits Reimbursements

The House [item 1410-0400] would distribute \$13,071,282, including annuity payments; the Senate [item 1410-0400] \$12,948,781 or \$122,501 less.

Public Libraries

The House [item 7000-9407] would distribute \$19,865,732 for the two main public library aid programs; the Senate [items 7000-9401, 7000-9501] \$16,867,232 or \$2,998,500 less. The House includes maintenance of effort language of 95 percent of the prior three year average appropriation. The Senate includes maintenance of effort language of 100 percent of the prior three year average appropriation. The MMA supports the House version.

School Building Assistance

The House would distribute \$159,373,647 for the several SBA accounts; the Senate \$165,069,747 or 6,100 more.

LAW CHANGES

Both branches propose a wide variety of changes to general and special laws that affect local government. Only a few actually benefit cities and towns, while most hinder or do not help local governments deliver services.

Local Tax Law Changes

The House version [sections 123-126] would allow the local electorate to adopt an alternative property tax levy limit growth factor. There is no similar provision in the Senate version. This provision does not provide cities and towns with any meaningful new revenue raising capacity, unless the local acceptance provision is by vote of the local legislative body.

The House version [section 127] would allow the local electorate to exclude a three year average of overlay amounts from the property tax levy limit. There is no similar provision in the Senate version. This provision does not provide cities and towns with any meaningful new revenue raising capacity, unless the local acceptance provision is by vote of the local legislative body.

The House version [section 128] would allow the local electorate to increase the motor vehicle excise rate from \$25 to as high as \$66. There is no similar provision in the Senate version. This provision does not provide cities and towns with any meaningful new revenue raising capacity.

The House version [sections 122, 158-159, 173-176, and 178-179] would eliminate the exemption from the property tax for profit-making lease holders on state authority property. There are similar provisions in the Senate version [sections 130-134, 156, 160-163]. These provisions provide several cities and towns with modest new revenue raising capacity. The Senate language is flawed because it does not change the general rule applying to authority property [section 122 in the House version] and doesn't extend to all authorities. The MMA supports the House version.

The Senate version [sections 65, 67-68] would allow cities and towns to switch payment of water and sewer service-related debt service payments from rates to the property tax levy in order to allow some taxpayers to deduct payments from federal income tax liability. A property tax abatement would be established for elderly homeowners affected by any rate for levy swap. There is

similar provision in the House version. The MMA agrees that there need to be steps taken to address water and sewer rate increases, but has some reservations about

the Senate proposal. The language is unclear, but it appears that it could "lock in" existing classification schemes even when this means that there would be a levy shift from commercial, industrial and personal property taxpayers to residential taxpayers, that it could "lock in" any existing property tax subsidies of water and sewer rates, and that certain cities and towns could not use the provision because of full cost recovery requirements in local water/sewer district enabling acts.

The Senate [sections 66, 127] would allow cities and towns to provide a property tax abatement to small commercial property owners with 10 or fewer employees and a valuation of less \$1.0 million. The abatement would be equal to 10 percent of the average commercial property valuation in a municipality. The levy borne by all commercial and industrial taxpayers would be increased by the amount of any abatements. There is no similar provision in the House version.

Changes to Chapter 71 of the Acts of 1993

The Senate [section 73] would change the definition of "base aid" to exclude "minimum aid" and any school choice deductions in districts spending more than the foundation amount. There is no similar provision in the House version. It appears that the effect of this amendment would be to provide \$50 per student as minimum aid in Fiscal 1994 and only \$25 in Fiscal 1995 and years thereafter. The MMA opposes this change in Chapter 70.

The Senate [amendment #407] would also allow cities and towns to petition the Department of Revenue for a reduction of the "local contribution" to school spending if the municipality can show an inability to fund the mandatory amount due to a revenue shortfall. There is no similar provision in the House. The MMA strongly supports this change to Chapter 70.

Coalition Bargaining for Health Benefits for Municipal Employees

The House [section 121] would amend the provisions of Chapter 32B governing bargaining for health benefits for municipal employees. The Senate [amendment #678] proposes different Chapter 32B language which represents agreement among the MMA, the Professional Firefighters of Massachusetts, and retired public employees. The MMA opposes the House language and supports the Senate compromise.

Public Duty Law

The House [section 281] would establish a public duty statute as a response to the SJC decision to repeal the public duty rule at some future date. The House proposal would exempt municipalities from any claim

based on the municipality's licensing powers, inspection powers, fire suppression or prevention activities, or police protection services. Without this statute, cities and towns could be overwhelmed with lawsuits. There is no similar provision in the Senate version. The MMA supports the House proposal.

Water and Sewer Service Rate Relief

The House [item 1231-1000, section 90] would appropriate \$30 million to mitigate debt-related water and sewer rate increases. The Senate version [item 1231-1000, sections 54, 222] includes similar language.

Keno

The House [section 182] would direct the State Lottery Commission to implement keno by October 1, 1993 in the state's bars and restaurants, and fraternal, veterans, and charitable organizations. The Senate [section 230] would establish a Massachusetts gaming commission to implement keno by September 1, 1993 and to consider filing legislation to implement other forms of state-sponsored gambling. The Senate version would allow the state to regulate the location of keno machines. This may eliminate any authority cities and towns may have to license and regulate these machines under current law. The MMA is concerned that state-sponsored gambling is straying from its original purpose to provide property tax relief and to support local services. The MMA urges the conference committee to implement keno through the State Lottery Commission, if it is to be implemented, to direct the proceeds to the State Lottery Fund to provide for property tax relief and the support local services, and to make clear that cities and towns have the authority to license and regulate any free-standing keno machines.

Bi-Weekly Payroll

The House [section 224] would eliminate the authority for bi-weekly payrolls and revert to the prior requirement of weekly payroll. There is no similar provision in the Senate version. Cities and towns have bargained with employees on this issue and have been able to realize some modest savings in payroll costs. Bi-weekly payroll authorization should be retained. The MMA opposes the House proposal.

"Reduction in Force" Notification Date

The House [section 130] would change from April 15th to the last work day of a fiscal year the date by which a teacher must be notified that he or she will not be employed by the school district in the following

school year. This change would allow municipalities to avoid paying unemployment benefits to teachers who will continue working in the fall. There is no similar provision in the Senate version. The MMA supports the House proposal.

County and Municipal Retirement Boards

The House [section 117] would require all investment advisors, consultants, brokers, and other service providers doing business with a municipal or county retirement board to disclose their financial interests to the board, and notify the board of any conflict of interest that could be expected to impair their ability to render unbiased and objective advice. There is no similar provision in the Senate version. The MMA supports the House proposal.

Municipal Health Insurance Benefit

The House [section 119] would mandate that municipal collective bargaining agreements provide benefits, monetary or otherwise, to an employee choosing to forgo coverage under an employers group or non-group health insurance plan. Currently, municipalities are required to provide alternative benefits for employees covered by a health insurance plan as of July 1, 1992. There is no similar provision in the Senate version. The MMA opposes the House proposal.

Chapter 90 Gas Tax Revenue Sharing Study

In spite of MMA and construction industry attempts to protect the Chapter 90 cash grant program, both versions of the budget eliminate the \$37 million program for FY 1994. The Senate [amendment 465] would establish a special commission to study the condition of local roads and bridges and the adequacy of the current system of financing local construction and maintenance programs. The House has no similar provision. The MMA supports the Senate proposal.

CONTACT YOUR LEGISLATORS

Please contact your own legislators, as well as the following key leaders. Urge them to include the \$46 million in local lottery revenues in the conference committee's report, and ask them to support the other municipal positions highlighted in this *Legislative Bulletin*:

Senate President William Bulger 617-722-1500
Senate W&M Chair Thomas Birmingham
617-722-1481

House Speaker Charles Flaherty 617-722-2500
House W&M Chair Thomas Finneran 617-722-2990

8/10/93 (5)
TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

JUNE 30, 1993

Teresa J. Roll
President and Treasurer
Pizza Hut
P.O. Box 783186
Wichita, Kansas 67278

RE: Office/Director Change - 273 Great Road, Acton, MA

Dear Ms. Roll:

In am in receipt of your letter of May 1, 1993, requesting a Change of Office/Director Change. I have scheduled this matter on the Board of Selectmen's (Licensing Authority) Agenda on August 10, 1993 at 9:00 P.M.

Please complete the enclosed form (five page application, submit a copy of your CD53 form which has been filed with the Massachusetts Secretary of States office under Chapter 156B, Section 53 as well as a check in the amount of \$50.00 made payable to the Alcoholic Beverages Control Commission. I must have these completed items returned to my attention prior to August 2, 1993 in order to process them for the August 10th agenda. If you have any questions prior to this hearing please feel free to call me at (508)264-9612.

Very truly yours,


Christine M. Joyce
Town Manager's Office

enc.
5 page application



LAW DEPARTMENT

Pizza Hut, Inc. / 9111 East Douglas / P.O. Box 783186 / Wichita, Kansas 67278-3186 / Phone (316) 681-9565 / Telex 417/477 / FAX (316) 681-9850

May 1, 1993

MAY - 3 1993

Town of Acton
472 Main Street
Acton, MA 01720-3939

Re: Office/Director Change
Pizza Hut of America, Inc.

The above corporation operates Pizza Hut restaurants and holds licenses for the sale of beer and/or wine in your jurisdiction.

On June 1, 1993, Michael C. Moline will resign as Vice President, Secretary and Director of the corporation. Brian H. Cole will be appointed to fill those vacancies. I will continue in my present capacities. Following this change, the officers and directors will be:

Teresa J. Roll, President, Treasurer and Director
Brian H. Cole, Vice President, Secretary and Director

There will be no change in stock ownership; Pizza Hut, Inc. will continue to be the sole stockholder.

Mr. Cole will assume his duties June 1, 1993.

Please advise us of your requirements to effect the above officer change. Mail all information to P. O. Box 783186, Wichita, Kansas 67278-3186.

Very truly yours,

PIZZA HUT OF AMERICA, INC.

Teresa J. Roll
President and Treasurer

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Received
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APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The Commonwealth of Massachusetts
ALCOHOLIC BEVERAGES CONTROL COMMISSION
OFFICER/DIRECTOR CHANGE Fee \$50.00

General questions to be answered by all applicants.
Please type or print legibly in ink.

1. Type of alcoholic beverages license: (check only ONE)

- ☒ Restaurant ☐ Restaurant-Commercial Club ☐ Innholder ☐ General On Premises ☐ Tavern ☐ Club
☐ Package Goods Store ☐ Other (specify):

2. Class of license: ☐ All Alcoholic Beverages ☒ Wine and Malt Beverages

3. Applicant is an ☐ Individual ☐ Partnership ☐ Limited Partnership ☒ Business Corporation
☐ Non-profit Corporation ☐ Other (specify):

4. If applicant is an individual, partnership, general partnership or limited partnership, state the following in a, b, and c:

a. For each person - FULL NAME HOME ADDRESS SOCIAL SECURITY NO.

N/A

b. Firm or trade name, address and telephone no:

c. Business name (d/b/a) if different:

Address:

Telephone no:

If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap 110, Sect. 5, regardless of which name will appear on the license)

5. If applicant is a corporation:

a. List the titles of all officers, the manager, and all members of the board directors. Below these list all stockholders (as defined in the instruction sheet). Then give the full name, home address and the number of shares of stock for each:

TITLE	FULL NAME	HOME ADDRESS	SOCIAL SECURITY NO.	NO. OF SHARES OF STOCK OWNED OR CONTROLLED IF ANY
Pres./Tres./Dir.	TERESA JEANNE ROLL	1244 Tallyrand Wichita, KS 67206	514-60-6520	0
V.P./Sec./Dir.	BRIAN HOWARD COLE	201 South Dellrose Wichita, KS 67218	453-04-2057	0
Manager	DANIEL THIBAudeau	45 Sherbert Road Ashburnham, MA 01430	031-64-4716	0
Owner/Sole- Stockholder	PIZZA HUT, INC.	9111 East Douglas Wichita, KS 67207	N/A	100%

b. Corporation name: PIZZA HUT OF AMERICA, INC.

Address 9111 East Douglas, P. O. Box 783186, Wichita, KS 67278-3186 Telephone no. (316) 681-9565

c. Business name (d/b/a) if different: PIZZA HUT #611007

Address 273 Great Road, Acton, MA 01720

Telephone no. (508) 263-5043

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

5. - cont.

Date of incorporation: 12/03/79 State of incorporation: DELAWARE Date qualified to do business in the Commonwealth of Massachusetts: 08/12/80
(attach a copy of approved certificate of organization)

6. If applicant is a club, association, limited partnership, or other type of organization:

a. List for each principal officer: (Note - Each association member who signs this application must answer this question)

TITLE	FULL NAME	HOME ADDRESS	TELEPHONE NUMBER
-------	-----------	--------------	------------------

N/A

b. Trade, firm or business name:

Address: Telephone no.
(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

7. State name, address and telephone number of a person who can be contacted concerning this application:

PIZZA HUT OF AMERICA, INC. 9111 E. Douglas, Wichita, KS 67207 (316) 681-9565

8. Address and telephone of premises to be licensed:

273 Great Road, Acton, MA 01720 (508) 263-5043

9. Give a full and complete description of the premises to be licensed, including location of all entrances and exits:

One story, free-standing brick building including kitchen, dining and storage areas
with two restrooms. Entrance for public use and one rear delivery entrance.

10. a. Will there be any major remodeling, redecorating or building on the premises in preparation for acquisition of this license?

☐ Yes ☒ No If yes, complete b, c, d, and e.

b. Give a brief description of the planned changes:

c. Estimated costs: \$ d. Estimated construction schedule:

e. State all sources of financing:

11. a. Does the applicant own the premises to be licensed? ☐ Yes ☒ No If no, state:

1. Names, addresses and telephone number of owners:

STEPHEN P. STEINBERT, Trustee of SMK Trust

75 Great Road, Box 2350, Acton, MA 01720

(617) 263-2989

2. Indicate whether applicant will be a ☒ Lessee ☐ Sublessee ☐ Assignee or ☐ Other

Specify other:

12. If applicant will be leasing the premises to be licensed, state:

b. Beginning date of lease

Ending date of lease

2,116.66 per month
(MONTH, YEAR, ETC.)

09/22/77

09/21/97

13. a. State the names, addresses, and telephone numbers of all persons or entities who will have any direct or indirect beneficial or financial interest in this license, as required by Massachusetts General Law c. 138, s. 15A:

NAME

ADDRESS

TELEPHONE NUMBER

PIZZA HUT OF AMERICA, INC. 9111 E. Douglas, Wichita, KS 67207 (316) 681-9565
P. O. Box 783186, Wichita, KS 67278-3186

b. Describe all types of financial and beneficial interest each person or entity will have in this license:

PIZZA HUT OF AMERICA, INC. will derive all profits.

14. a. Does any person or entity listed in question 13 have any direct or indirect beneficial or financial interest in any other type of license granted under Mass. General Law 138? ☒ Yes ☐ No b. If yes, state for each person or entity:

NAME

TYPE OF LICENSE

LICENSE ADDRESS

DESCRIPTION OF INTEREST

PIZZA HUT OF AMERICA, INC.

Wine & Malt Beverages

See Attached List

Owner

15. a. Has any person or entity named in question 13 ever held a license under G.L. c. 138 which he/she/it does not presently hold? ☒ Yes ☐ No b. If yes, state for each:

NAME

TYPE OF LICENSE

LICENSE ADDRESS

DATE LICENSE GRANTED

See attached list

16. a. Has any person or entity named in question 13 ever had his/her/its license revoked or cancelled? ☐ Yes ☒ No

b. If yes, state for each name the date and reasons why the license was revoked or cancelled:

17. Has any person or entity named in question 13 ever been convicted of violating any state or federal law? (exclude minor traffic violations) ☐ Yes ☒ No If yes, attach a statement of details.

18. If applicant is an individual, answer the following questions: N/A

a. Are you a United States Citizen? ☐ Yes ☐ No b. Are you at least twenty years old? ☐ Yes ☐ No
(If yes provide a copy of birth, naturalization or registered voter certificate)

19. If applicant is a partnership, answer the following questions: N/A

a. Are all the partners United States Citizens? ☐ Yes ☐ No b. Are all of the partners at least twenty years old? ☐ Yes ☐ No
(Provide copies of birth, naturalization or registered voter certificates for each partner)

20. If the applicant is a corporation, answer the following questions: (Corporate applicants must include with this application copy of the vote by the board of directors appointing the manager or other principal representative)

Are the majority of directors United States Citizens? ☒ Yes ☐ No

b. Are the majority of directors citizens of the Commonwealth of Massachusetts? ☐ Yes ☒ No

c. Is the manager or principal representative a United States Citizen? ☒ Yes ☐ No

d. How many shares of stock are authorized? 20,000 e. How many shares of stock are issued? 1,199

f. Will any stock be pledged as collateral for this license? ☐ Yes ☒ No If yes, to whom?

g. Will this license be pledged as collateral? ☐ Yes ☒ No If yes, to whom?

NOTE: If applicant is an association, a copy of the birth certificate, naturalization certificate, or registered voter certificate for each member who signs at the end of this form must be included with this application.

NOTICE

The accompanying General Instructions are incorporated herein by reference.

SIGNED AND SUBSCRIBED TO UNDER PENALTY OF PERJURY THIS 13th DAY OF JULY, 19 93

BY: SIGNATURE OF FULL NAME

TITLE

PIZZA HUT OF AMERICA, INC.

Teresa J. Roll

TERESA J. ROLL,
Pres./Tres./Dir.

Brian H. Cole

BRIAN H. COLE,
V.P./Sec./Dir.

Note: 1. Individual applicant(s) must sign above.

2. Applications by a partnership must be signed by a majority of the partners.

3. Applications by a corporation must be signed by an officer authorized by a vote of the corporation's board of directors.
A copy of the vote of authorization must be included with this application.

4. Applications by an association must be signed by a majority of the members of the governing body.
All the signers must have answered question 6a.

Name of attorney, if any, filing application on behalf of licensee.

Telephone number

N/A

Office address

Time of filing

Date of filing

Name of newspaper publishing notice of application

☐ 6 day ☐ 7 day
license granted

Space below may be used by local licensing authorities for additional information.

RESTAURANT

5 - A

QUESTIONS TO BE ANSWERED ONLY BY APPLICANTS FOR A RESTAURANT ALCOHOLIC BEVERAGE LICENSE

1. Does the applicant have a duly issued and valid common victualler's license? ☒ Yes ☐ No
22. a. Does the applicant have an entertainment permit? ☐ Yes ☒ No
- b. If yes, date of issuance: _____
- c. If no, does the applicant intend to obtain an entertainment permit? ☐ Yes ☒ No
23. What proportion of your business receipts is expected to be from alcoholic beverages? 5% From food? 95%
24. Does applicant plan to offer a full service or limited menu? Full Service Menu
25. a. What is applicant's proposed maximum occupancy? 66
- b. What is applicant's proposed maximum seating capacity? 66
26. a. Is the kitchen a separate room or rooms? ☒ Yes ☐ No
- b. If yes, state how large the total floor space of the kitchen will be: ON FILE
- c. If yes, what cooking equipment is or will be in the kitchen? List on File with Town Office
- _____
- d. If no, describe the types of cooking equipment and where they are or will be located:
- N/A
- _____
27. a. How many function rooms or other rooms will be used for the sale, service or dispensing of alcoholic beverages?
- TWO (2)
- b. State the name, if any, used to identify each room, and the floor on which each room is located:
- Sale at register, service in dining room, dispensing at waitress station.
- _____
28. a. Are there sufficient toilets for men on the premises? ☒ Yes ☐ No.
- b. Are there sufficient toilets for women on the premises to be licensed? ☒ Yes ☐ No.

(This form may be reproduced)

MASSACHUSETTS

14. NAME: PIZZA HUT OF AMERICA, INC.
TYPE OF LICENSE: Wine & Malt Beverage License
DESCRIPTION OF INTEREST: Owner of License

LICENSE ADDRESS

1048 Riverdale Street	West Springfield	01089
424 Russell	Hadley	01035
1264 Boston Road	Springfield	01119
273 Great Road	Acton	01720
347 North Pearl Street	Brockton	02401
230 Winthrop Avenue	Lawrence	01842
661 Rogers Street	Lowell	01853
200 Boston Post Road	Marlborough	01752
218-222 Andover Street	Peabody	01960
627 Washington Street	Quincy	02269
328 Boston Road	Billerica	01821
100 Davis Straits	Falmouth	02540
475 Chelmsford Street	Lowell	01851
42 Washington Street	Norwell	02061
575 Boston Providence Highway	Walpole	02081
95 Plaistow Road	Haverhill	01830
679 South Main Street	Haverhill	01830
2199 Northampton	Holyoke	01040
555 Memorial Drive	Chicopee	01020
510 West Central Street	Franklin	02038
500 Route 134	South Dennis	02660
295 Lynnway	Lynn	01901
2003 Main Street	Brockton	02401
216 Haverhill Street	Methuen	01844
112 Main Street	Kingston	02364
314 Cabot Street	Beverly	01915
1274 Worcester Road	Natick	01760
178 Everett Avenue	Chelsea	02150
191 Grand Army Highway	Somerset	02726
380 John Fitch Highway	Fitchburg	01420
18 Sacks Boulevard	Leominster	01453
935 Grafton Street	Worcester	01604
41 Park Street	Lee	01238
329 State Street	North Adams	01247
690 Merrill Road	Pittsfield	01201
3015-3019 Cranberry Highway	Wareham (East)	02538
90 William S. Canning Boulevard	Fall River	02721

15.	<u>Forfeited (Yr.)</u>	<u>Store #</u>	<u>Location - Address</u>	<u>Reason for Closing</u>
	1981	609001	1245 Boston Rd., Springfield	Closed - low volume
	1981	611002	1405 Memorial Drive, Chicopee	Closed - low volume
	1986	611004	80 New State Hwy., Rayham	Closed - low volume
	1986	611006	191 Grand Army Hwy., Somerset	Refranchised



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION
1010 COMMONWEALTH AVENUE, BOSTON

Acton February 5 1990
(City or Town) (Date)

APPLICATION FOR LICENSE

For the lawful use of the herein described building or other structure, application is hereby made in accordance with the provisions of Chapter 148 of the General Laws, for a license to use the land on which such building or other structure is/are or is/are to be situated, and only to such extent as shown on plot plan which is filed with and made a part of this application.

Location of land 421 Mass Ave., Acton, MA Nearest cross street Rt. 27
Owner of land Sun Refining & Marketing Co. Address 801 Market St., Philadelphia, PA 19103
Number of buildings or other structures to which this application applies One
Occupancy or use of such buildings Convenience Store & Self Service Gas Station
Total capacity of tanks in gallons:—Aboveground 1000 Underground 30,000
Kind of fluid to be stored in tanks Waste Oil (Aboveground) Gasoline (Underground)

Sun Refining & Marketing Company

Approved February 15 1990 By: [Signature]

(Signature of Applicant)

23 Greenbrier St., Springfield, MA 01108
(Address)

(Head of Fire Dept.)



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION
1010 COMMONWEALTH AVENUE, BOSTON

Acton February 5 1990
(City or Town) (Date)

LICENSE

In accordance with the provisions of Chapter 148 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building or other structure which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land 421 Mass Ave., Acton, MA Nearest cross street Rt. 27
Owner of land Sun Refining & Marketing Co. Address 801 Market St., Philadelphia, PA 19103
Number of buildings or other structures to which this license applies One
Occupancy or use of such buildings Convenience Store & Self Service Gas Station
Total capacity of tanks in gallons:—Aboveground 1000 Underground 30,000
Kind of fluid to be stored in tanks Waste Oil (Aboveground) Gasoline (Underground)
Restrictions—If any:

(Signature of Licensing Authority)

THIS LICENSE OR A PHOTOSTATIC OR CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED IN A PROTECTED PLACE ON THE LAND FOR WHICH IT IS GRANTED



DON P. JOHNSON
TOWN MANAGER

TOWN OF ACTON

TOWN HALL

472 MAIN STREET

ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 264-9612

BOARD OF SELECTMEN

NANCY E. TAVERNIER, CHAIRMAN
F. DORE' HUNTER, VICE-CHAIRMAN
DONALD R. GILBERTI, CLERK
WILLIAM F. WEEKS
NORMAN D. LAKE

TOWN OF ACTON NOTICE OF HEARING

The Board of Selectmen, under Chapter 148 of the General laws, will hold a public hearing in Room 204, The Selectmen's Hearing Room, Town Hall, on Tuesday, March 20, 1989 at 8:45 P.M. in conjunction with a Site Plan Special Permit, on the application of Sun Refining & Marketing Company, 401 Market Street, Philadelphia, Pa. to keep and store 30,000 gallons of gasoline underground and 1,000 gallons of waste oil above ground on premises at 421 Massachusetts Ave., Acton, MA.

NANCY E. TAVERNIER
F. DORE' HUNTER
DONALD R. GILBERTI
WILLIAM F. WEEKS
NORMAN D. LAKE
BOARD OF SELECTMEN

574

Town of Sudbury
Sudbury Town Hall
Sudbury, MA 01776

CERTIFIED MAIL RETURN RECEIPT REQUESTED P074 144 922

Dated: 2/13/90

Received: February 15, 1990


Jean M. MacKenzie
Jean M. MacKenzie, Town Clerk

10 MIN. CLERK
SUDBURY, MASS.
1990 FEB 15 PM 4:45

8/10/93 #7

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/4/93

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: Appointment of an Accountant

Pursuant to an executive session held on July 13, 1993, Don has asked that I submit Roy Wetherby's name for appointment to the Town Accountant's position effective August 27, 1993. Roy was the Accountant prior to Mary Larson being named in 1985. His appointment will provide the necessary continuity in a crucial financial position. Roy will also remain as the chief financial officer of the Town.

The Board also may wish to congratulate Mary on her more than 26 years of dedicated service to the Community. Mary has been a key player on our financial team and without her dedication to detail and accuracy, and her loyalty to the citizens of Acton, we would not have been able to devote numerous man hours to cash flow and other secondary financial tasks, which have minimized the real estate tax rate, and maximized our bond rating.

~~6/22/93~~ (9)
8/10/93 (8)

MEMORANDUM

15 June 1993

From: Chairman
To: Board Members
Subject: Agenda Dates for Various Proposed Selectmen Policies Discussion

1. As you will recall I have written seven memorandums proposing adoption of various Selectmen policies and circulated them to the Board members and others for comment. Some comments have indeed been received and circulated to the Board. It now seems appropriate to set forth a schedule for Board of Selectmen discussion of certain of the proposals.

2. I therefore propose to bring up the below listed memorandums as an Agenda discussion and/or action item on the dates listed below. Please advise me if you would prefer different dates.

Proposal No. 1 - Town Meeting Budget Format
Town Manager's Comments - July 13, Board Discussion
August 10, and possible action - September 7, 1993

Proposal No. 2 - Selectman Comment on School Issues
Scheduling to pend analysis of so-called School Reform
legislation impact

Proposal No. 3 - Revision of Coordinating Process
Discussion - June 22, 1993, any action to pend next
Coordinating Committee meeting

Proposal No. 4 - Additional Warrant Article re School Budget
Discussion - June 22, 1993, any action to pend next
Coordinating Committee meeting

Proposal No. 5 - Delete "How Great We Are" Presentations
Discussion - June 22, 1993, any action to pend next
Coordinating Committee meeting

Proposal No. 6 - Year End Turn Back Credit
Discussion and possible Board action - June 22, 1993

Proposal No. 7 - Guidelines for Town Counsel
Discussion and possible Board action - June 22, 1993


F. DORE HUNTER

PROPOSED SELECTMEN POLICY MEMORANDUM NO. 1

4 May 1993

From: Chairman
To: Board Members
Subject: Town Meeting Budget Format

1. As you know there were some people at the recent Town Meeting who obviously wished to have more control, in the Meeting, as to the Town and School budgets. Despite the possibility that one or more speakers may have adopted that position only to advance their other personal agendas, I think that is a legitimate general complaint which the Board of Selectmen should address as to the Town budget. My thoughts on School budget formats are the subject of another proposed policy memorandum.

2. In the last few years we have reduced the Town Meeting member's choices, howbeit with the best of intentions by presenting "packages" in lieu of the old, traditional menus of items. A number of factors which we as Selectmen have thought important have contributed to this. We have brought the municipal government elements together into a single managed whole, instead of the separate groups that they once were. When the decline started we were presenting "stand still" plans at Town Meeting which called for few decisions. We have coordinated positions with the School Committees and Finance Committees to maximize use of scarce revenues. As resources shrank we have felt that losing a separate Town Meeting Article, presented in the old, traditional format would forfeit part of the Town's "share" of the available monies, which is already too small. The bottom line budget operating philosophy, while absolutely the most efficient vehicle for local government, has been presented in an all or nothing manner.

3. Unfortunately the problems for the Selectmen with the current approach seem to be accumulating. One is that any dissent always seems to be on the fringes, in the areas where policy decisions are shaded in gray, and once our recommendations are attacked in the Meeting the Selectmen may never get a chance to thoroughly explain them. E.g. the recent Meeting never heard that why we thought the Route 62 traffic signals more critical than the West Acton Library was the number of personal injury accidents that might be avoided by the signals. The other problem is that the package approach can confuse those Town Meeting voters whose study of the issue commenced only when he or she walked into the Meeting. It also potentially gives inordinate power to those few individuals at the Meeting who look for some difficult question in order to give credence to a misleading claim that the Selectmen are hiding

something.

4. I believe we can address the Selectmens' concerns while at the same time returning more choice to the thoughtful Town Meeting members. I therefore suggest that we review the Selectmen's policy on Town Meeting Budget format. I believe such a review should be done over the next several months and should consist of Selectmen interaction, discussions with staff, solicitation of the views of other boards and committees, and a public hearing.

4. Substantively I would propose that the Board consider:

- 1) scrapping the "Omnibus Budget Article" format;
- 2) continuing to request that the final operating budget appropriation be in bottom line format; and
- 3) listing in detail about 125% of the potential component parts and funding levels of the proposed budgets in a menu fashion, with the Selectmens' recommended choices and rationale spelled out, along with a target bottom line.

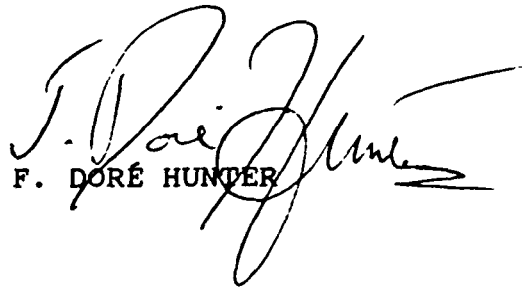
5. Since we have voted at Town Meeting on each major segment of the Omnibus Budget, i.e. Town, Schools, and Minuteman Vocational School, in any event, returning to separate warrant articles for each is a small change. While moving back a small step toward the old, traditional presentation in this way it would, however, be important to keep the Meeting focused on the fact that the total of all the budgets must fit within the total available funds.

6. I believe that we should continue to support the bottom line operating budget concept for the Town. It has worked very well, it allows us to maintain the same services with less money and provides management flexibility which is needed now more than it ever was in the past. With certain exceptions I believe that the negative views we have heard pertain to Town Meeting presentations and choices, not the year long administration of the funds.

7. A bottom line operating budget does not necessarily equal Town Meeting lack of choice, or vice versa. I see no reason why we could not present a menu of choices, increases, decreases, or a continuation at the same level, with explanations, costs and Selectmens' recommendations that total more than the available funds, accompanied by the bottom line target figure, and allow the Town Meeting members to massage the priorities, much as the Board of Selectmen did with the "B" Budget cut list last winter. I propose that we study this possibility.

8. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients, and indeed all

citizens, are invited to comment to the Board of Selectmen.


F. DORÉ HUNTER

Copies to: Moderator
School Committees
All Town Boards and Committees
Town Manager
Superintendent

ACTON FINCOM MEMO

To: Dore Hunter, Chairman, Board of Selectmen

93FIN047

From: Art Harrigan

Page 1 of 4

Date: May 25, 1993.

Subject: Comments on Selectmen's Proposed Policies 1 - 5, dated May 4, 1993.

Copies: Don Wheeler, Lees Stuntz, Jean Butler, Don Johnson, Bill Ryan.

At its regular meeting on May 24, 1993, the Finance Committee discussed the subject proposed policies. The following comments, suggestions, and inputs are provided, as requested. We expect the process of determining and implementing new policies on a town wide basis will take some time, and certainly this could be one purpose of holding a joint meeting. I will be glad to discuss these inputs with you if you will give me a call, or if you set up a meeting.

Reply to Proposed Policy #1 - Town Meeting Budget Format

1. Agree to scrap the "Omnibus Budget Article" format.
2. Prepare a Town line items budget with nine or ten lines, one per major department. Organize the budget by department line items in one direction, and by object category in the other direction. An example of this matrix budget is shown in Table 1. The purpose of the department line items is to show the costs and balance for the departments. The purpose of the object categories is to provide a means for consistency across the departments, as for example, the need for consistency of salary and benefit package increases. A "menu" budget approach should not be provided, since our responsibilities are to make recommendations for consideration by the Town Meeting.
3. Once the budget is approved by the Town Meeting, the administration of this Town Budget would be on a "bottom line" administration basis, as determined by the Town Manager, except as follows. Changes from one line item to another (over the fiscal year) of more than 5% of the department line item budget or \$1,000, whichever is larger, would require the Selectmen's prior approval. Question: Please describe the process we are now using of periodic review of actual expenditures versus budget or plan.
4. Additional exposure of the proposed budget or preliminary budget information will be made accessible to the town taxpayers by the Finance Committee holding at least two public budget hearings: one in October, November, or December; and one not less than two weeks prior to an override election or not less than two weeks prior to the Town Meeting if there is no override election. These public hearings should be televised.

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....**Reply to Proposed Policy # 1 (Continued)**

5. There shall be two levels of budgets for presentation, as a minimum, to the town taxpayers. The first level is a consolidated Town of Acton income and expense budget, combining all town entities budgets for the coming year, on a gross income and gross expenses basis. The second level is a more detailed income and expense budget for each entity in the town, namely the Schools and the Town Municipal Government. This second level budget should be organized by line items, according to the example matrix shown in Table 1. The first and second levels budgets must reconcile and tie together, for easy understanding and explanation at public meetings. The Finance Committee will be responsible for preparation, with staff assistance, and presentation of the consolidated budget. The School Committee and Selectmen will be responsible for preparation and presentation of the second level budgets.

Reply to Proposed Policy # 2 - Selectmen (or others) Comment on School Issues

1. Generally it seems like a good policy to not comment on one another entity's issues, unless there is a responsibility to do so.
2. Public comment by the Selectmen, or other groups, and the School Committee on each others issues may compound our current problems and be counterproductive to good working relationships.
3. A better approach might be to have a joint discussion and get a general understanding between the School Committee and Selectmen (or others) on the definition of when public comment might be acceptable and what courtesies to follow.

Reply to Proposed Policy #3 - Revision of Coordinating Committee Process

1. On a trial basis, go to an evening meeting for the Coordinating Committee. Consider the occasional Saturday morning meeting.
2. Schedule Coordinating Committee meetings and publish agenda in advance.
3. The Coordinating Committee is an ad-hoc committee with no authority or standing in the Town. Do not televise the meetings.
4. "Coordination" means to "coordinate", not to usurp responsibility and authority from other committees and individuals who might attend the Coordinating Committee. All people and groups should be invited to attend the Coordinating Committee meetings. If you want to have this committee make decisions and have formal responsibilities and authority, then it should be established as a standing town committee with a by law definition passed by the Town Meeting. As an informal group, the Coordinating Committee is like a "council" to provide a forum for discussing status, issues, and problems. Participating committees can have more input to make better decisions. Impasses and disagreements should be viewed as dialog to be considered by each of the participating committees, as communicated by their representatives. Paid staff should not be excluded.

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....

Reply to Proposed Policy # 3 (Continued)

5. Minutes of the meeting should be kept.
6. The School Committee, Selectmen, and Finance Committee, as major participants in the Coordinating Committee, should not be encumbered with the duties of Coordinating Committee Chairman for planning and presiding over the meetings, and for follow up. Therefore, it is suggested that the Town Moderator appoint a "Deputy" or "Assistant" to be the designated Chairman of the Coordinating Committee.
7. Limited public and non-major committees participation should be allowed and encouraged at the Coordinating Committee meetings.
8. Coordinating Committee representatives will take recommendations back to their respective committees where a position will be established by a majority vote. The Coordinating Committee position must be unanimous (one vote for the School Committee, one vote for the Selectmen, and one vote for the Finance Committee) to make the recommendation. A majority position by the Coordinating Committee will be carried back to the respective committees as an input, not as a recommendation. Consensus will not be used since the term is viewed to be ambiguous. A more detailed procedure will be developed to initiate and identify the steps to follow for conflict resolution.

Reply to Proposed Policy #4 - Article, School Budget Input by Town Meeting

1. Some action is needed in this area, but no other comment is offered at this time.

Reply to Proposed Policy #5 - "How Great We Are" Presentations

1. This is viewed as a political issue. Therefore, there is no recommendation.

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....

Table 1. Example Town Budget Matrix

Line Item	Department	Department Total	Object Category				
			Salaries and Benefits	Contracted Services	Capital Equipment	Supplies and Materials	Debt and Service
1.	Administrative						
	Accounting						
	Assessors						
	Clerk						
	Finance						
2.	Ageing						
3.	Building Dept.						
	Engineering						
	Muni. Prop.						
	Planning						
4.	Cemetery Dept.						
5.	Conservation						
6.	Fire						
7.	Health Dept.						
	Health						
	Public Health						
8.	Highway Dept.						
9.	Police						
10.	Libraries Dept.						
	TOTAL						

July 16, 1993

TO: Board of Selectmen

FROM: Nancy Tavernier

SUBJECT: Budget format

Since I do not expect to be at the August meeting where board discussion of budget format is to take place, I will submit brief comments to you. I am attaching the presentation that I was prepared to make at Town Meeting if the line item budget had come up for a debate, which it did not. I feel strongly that we should not revert to the "old way of doing things" just because a few anti-government types say so.

I think our primary goal should be to improve public information about the budget process and we should schedule public hearings for our own budget. I would also like to see us reorient the budget toward a programmatic view, giving the Town Manager the flexibility to define programs and look for measures of accomplishment.

If we had the time and staff, we could create a budget document that would include information on the economic conditions that underlie the revenue assumptions, narrative descriptions of each department and its programs, spending growth in budget buster accounts, mission statements for each department, staffing levels, major equipment inventory, and measurable goals for each department. These are the essential principles of program/performance budgeting, shifting the emphasis from dollars appropriated to outcomes achieved and from spending control to accountability. These are ideas that are well spelled out in David Osborne's Reinventing Government, a book that has become a Bible of sorts which looks at the concept of entrepreneurial government.

Our past line-item budgets were designed to maximize control, our bottom line budget consolidates accounts to enhance flexibility. The ultimate purpose of the bottom-line budget is to benefit the citizens in the most cost-effective and efficient way and I believe we have done that. The problem is, the average citizen doesn't understand it and a certain few will never accept it because it stands for government spending and taxes.

This is one of those issues on which we need to stand tall, do the right thing and let the chips fall where they may.

cc Town Manager

BottomLine Budget Defense
4/12/93
Nancy Tavernier

BOTTOM LINE BUDGET

The Board of Selectmen is opposed to any change in the format of the budget, that would move it from a bottom line format to a line item format.

Let me give you a little history of the Bottom Line Budget. In 1989, the Selectmen first presented a "Bottom Line Budget" to Town Meeting, which the Finance Committee opposed. The Finance Committee amended the budget back to 13 lines and the Town Meeting voters agreed. One of the major arguments from the voters was that the Selectmen had not given adequate notice to the Town Meeting that they wished to make such a major change in budget format.

In 1990, the Town presented a 9 line item budget to Town Meeting, with the Finance Committee's endorsement, and it passed unanimously. At that same meeting we distributed a handout that notified every Town Meeting voter of the Selectmen's intention to present the following year's budget in a bottom line budget format, within an omnibus budget article.

In 1991, we presented our budget in one line, with the Finance Committee's endorsement, and it passed with little debate. In 1992, our budget was presented again in the bottom line format, with Finance Committee's endorsement, and it was voted unanimously. This year, we have again presented our budget in a single line, with the Finance Committee's endorsement and hope for a similar acceptance.

The Coordinating Committee has also agreed to support the bottom line budget format, for both the Town and the Schools, for the past three years so that all budgets, school and town, can be presented with the same

consistency. School budgets have always been presented in a single line.

There appear to be three principal obstacles to overcoming a "line item budget mentality".

1. The first is a mind-set, "We want a Line Item Budget because we've always done it that way"
2. The second is the desire by some to retain control over the budget through line items
3. The third is a shortage of trust between certain members of the legislative body and the executive branch.

I would suggest that it would be better to focus on why we should change back to the way things used to be. I would like to ask you how we, the Town government, have done the past two years. Have we performed well under the bottom line budget? The last year we had a line item budget, in 1990, we had to close fire stations periodically because we had exhausted our line item for the fire department and could not transfer between lines. I was not proud of that performance. We have not closed a fire station since.

How are we doing? Is there a problem that needs to be fixed? If so, then let's fix it. But be aware that if this is the way you propose to fix this unidentified problem, it will take much more money than we have in our budget now. We have been able to cut over \$235,000 from the town's budget by using a bottom line budget format. A line item budget requires contingency funds in all lines so that in the event of any unforeseen occurrence such as: a major fire, a major storm, a major equipment failure, a trash shortfall, flooding, long term disability of police and fire, to name just a few, that your government can go on. We could present a line item budget next year, but I can assure you it will be much larger for no good reason.

You have repeatedly asked for a more efficient and cost effective

government. With the Bottom Line Budget, we have been able to deliver what you have asked for.

LINE ITEM BUDGET - DISADVANTAGES

- **INCREASED FUNDING NEEDED IN EACH LINE
(+\$235,000)**
- **INCREASE RESERVE FUND FROM \$33,000 TO \$150,000**
- **ACCOUNTING RULES BUILD IN WASTED TIME AND
EFFORT**
- **EMPLOYEES DEMOTIVATED BY CONTROL**
- **CREATES A RULES DRIVEN GOVERNMENT**
- **TRAPS MANAGERS IN YESTERDAY'S PRIORITIES
WHICH QUICKLY BECOME TOMORROW'S WASTE**
- **ENCOURAGES DEPARTMENTS TO SPEND EVERY
PENNY OF EVERY LINE ITEM WHETHER THEY
NEED IT OR NOT**
- **ORGANIZATION BECOMES TURF-ORIENTED RATHER
THAN MISSION DRIVEN**

BOTTOM LINE BUDGET - ADVANTAGES

- **ALLOWS REDUCTION OF CONTINGENCY AND RESERVE FUNDS (-\$235,000)**
- **ABLE TO RESPOND TO EMERGENCIES & SERVICE REQUIREMENT CHANGES**
- **SHORTENS LENGTH OF TOWN MEETING**
- **CONSISTENT WITH SCHOOL BUDGET FORMAT**
- **ENDORSED BY PRIOR TOWN MEETINGS, FINANCE COMMITTEE, COORDINATING COMMITTEE**
- **ENCOURAGES ENTREPRENEURIAL GOVERNMENT**
- **ALLOWS FOR A MISSION DRIVEN GOVERNMENT**
- **ALLOWS FLEXIBILITY AND ADAPTABILITY**
- **MAKES GOOD MANAGEMENT POSSIBLE**

This is what Charlie wants!
Does it really tell you
anything?

LINE ITEM BUDGET FY90

GENERAL GOVERNMENT

TOTAL SALARIES
TOTAL EXPENSES
OUT OF STATE TRAVEL

PROTECTION OF PERSONS AND PROPERTY

TOTAL SALARIES
TOTAL EXPENSES

DEPARTMENT OF PUBLIC WORKS

TOTAL SALARIES
TOTAL EXPENSES

LIBRARIES

TOTAL SALARIES
TOTAL EXPENSES

INSURANCE

TOTAL EXPENSES

RESERVE

RESERVE FUND

PENSIONS

PENSIONS

DEBT AND INTEREST

DEBT AND INTEREST

EXAMPLE of Program Budget

AGENCY MISSION AND FISCAL RESOURCES

Gov Weid FY94

Executive Office of Environmental Affairs Department of Environmental Protection

AGENCY MISSION STATEMENT

The Department of Environmental Protection assures clean air and water, and protects the natural, historic and esthetic qualities of the environment in the Commonwealth. To that end, the Department ensures clean air and water through permitting, compliance and enforcement programs that emphasize pollution prevention at the source. The Department also implements strategies for preserving and protecting the Commonwealth's wetlands, tidelands and other resources that are critical to economic growth and ecological balance. The Department safeguards public health by providing emergency response to chemical spills and ensuring timely private sector cleanup of hazardous waste sites. The Bureau of Waste Site Cleanup responds to thousands of spills each year and monitors the assessment and cleanup of thousands more sites, which, if left unattended, can destroy water supplies and wildlife habitats. The Department's scientists and toxicologists conduct research and analysis for the purpose of assessing the impact of pollution on people and the environment. This information is used to monitor ambient environmental quality, assess the status of natural ecosystems and establish baselines for safeguarding public health. Finally, the Department offers informational seminars and municipal grants and loans in order to help the regulated community comply with environmental regulations.

AGENCY RESOURCES (\$000)

Fiscal Year	Budgetary Appropriation	Budgetary Retained Revenue	Total Budgetary Spending	Intragovernmental Services	Federal Grant Spending	Trust & Other Spending	Total Spending	Budgetary Revenue
1993	29,573	8,506	38,079	0	17,886	7,005	62,970	25,152
1994	33,988	8,506	42,494	0	16,783	13,064	72,341	27,132
1995	35,085	8,506	43,591	0	16,783	16,164	76,538	27,132

FISCAL RESOURCES AND EXPECTED PERFORMANCE

Executive Office of Environmental Affairs Department of Environmental Protection

Service Delivery Group

EQE1 Statewide permitting, compliance and planning activities to identify "at risk" natural resources and to provide means of reducing pollution that threatens those resources

Resources (\$000)

Fiscal Year	Budgetary Appropriation	Budgetary Retained Revenue	Total Budgetary Spending	Intragovernmental Services	Federal Grant Spending	Trust & Other Spending	Total Spending	Budgetary Revenue
1993	17,337	8,506	25,844	0	13,676	6,505	46,025	15,152
1994	19,318	8,506	27,824	0	13,455	12,564	53,843	15,202
1995	19,318	8,506	27,824	0	13,455	15,664	56,943	15,202

Service Delivery Indicators

FY94 Expectation

Environmental permits issued (e.g. wastewater discharge, air pollution emission).....	5,192
Facility inspections for compliance with environmental regulations..	3,450
Clients surveyed for service satisfaction (i.e. businesses or individuals that interact with the Department).....	3,000
Locations monitored for environmental quality..	165
Toxic materials use reduction reports analyzed.....	700
Grant/loan applications for environmental infrastructure projects reviewed..	1,290
Permit applications returned to applicant for additional information, in percent.....	12
Environmental permits reviewed within regulatory timeline, in percent..	99

EXAMPLE of Program Budget House Ways + Means FY94

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AGENCY MISSION

To preserve and enhance the quality of the Commonwealth's air, water, and land natural resources to provide for the health, safety, welfare, and enjoyment of all citizens and the protection of their property.

STATUTORY REFERENCES

Solid Waste Siting
M.G.L. c.16
Hazardous Materials & Waste
M.G.L. c.21C
State Superfund Program
M.G.L. c.21E
Water Management Act
M.G.L. c.21G
Public Waterfront Act
M.G.L. c.91
Hazardous Waste Local Siting
M.G.L. c.111,150B
Air and Noise Pollution Control
M.G.L. c.111 § 31C,142,142B,142F,142J,143-147.
Water Supply
M.G.L. c.114
Water Management
M.G.L. c.165

COMPONENT PROGRAMS

1. Administration
2. Environmental Compliance
3. Bureau of Municipal Facilities
4. Cleanup of Oil and Hazardous Waste Sites
5. Underground Storage Tank Cleanup

PROGRAM 1: Administration

PROGRAM MISSION

To provide policy, program, and administrative oversight for the department and its programs and to ensure the protection of public health and the environment and the delivery of quality, effective services to the citizens of the Commonwealth.

Program Objectives

1. Review program objectives, performance measures, and input resources at monthly meetings with program directors.
2. Improve the Department's customer services.

Performance Measures

- 1a. Meetings with program directors to review and refine performance measures.
- 1b. Report on performance achievements.
2. Four Customer Service Centers fully operational by January 1, 1993.

Program Objectives (continued)**Performance Measures (continued)**

3. Operate a facility master-file database to provide a centralized resource for environmental compliance information.

3. Number and percent of permitted facilities contained on master file.
-

Appropriation

2200-1000

For the administration program, including not more than twenty positions

1,104,940

PROGRAM 2: Environmental Compliance
--

PROGRAM MISSION

To conduct state-wide environmental planning and monitoring, review permits for activities, and achieve conformity with environmental laws and regulations through compliance inspections and enforcement.

Program Objectives**Performance Measures**

1. Analyze and review environmental permit and license applications to ensure their compliance with state laws and regulations.
2. Conduct inspections, issue notices of non-compliance, and assess penalties to achieve compliance of regulated facilities with environmental laws and regulations.
3. Conduct long-term environmental monitoring to assess trends in environmental quality and implement long-term strategic plans necessary to mitigate environmental degradation.

- 1a. Number of permit and license applications filed.
- 1b. Number and percent of permits decisions issued within statutory time frames.
- 1c. Number and percent of permits decisions issued without being overturned in appeal.
- 2a. Compliance inspections conducted.
- 2b. Number of notices of non-compliance and penalties issued without being appealed.
- 2c. Number and percent of appeals upheld.
- 3a. Sites with long-term monitoring.

Program Objectives (continued)

4. Encourage recycling in the commonwealth.
5. Certify environmental professionals to ensure that qualified professionals operate environmentally sensitive facilities.
6. Implement statewide one-stop permitting for companies seeking environmental permits.
7. Regulate the use of toxic chemicals and assist private companies attempting to find alternatives to toxic chemicals.

Performance Measures (continued)

- 3b. Number and percent of state and federal monitoring requirements achieved.
- 4a. Number of applications for recycling grants processed.
- 4b. Number of facilities joining cooperative composting program for leaf and yard waste.
- 5a. Number of certifications issued.
- 5b. Number and percent of regulated facilities operated by certified professionals.
- 6a. Statewide one-stop permitting implemented by April 1, 1993.
- 6b. Public information and assistance available at regional centers by September 1, 1992.
- 7a. Number and percent of toxics use reports submitted by industry analyzed and reviewed for compliance with regulations.
- 7b. Number and percent of companies failing to meet toxics use reduction standards for a particular industry.

Appropriation**2200-2000**

For the environmental compliance program, including the following divisions: 1) the division of water pollution control; 2) the division of water supply; 3) the division of solid waste; 4) the division of hazardous waste; 5) the division of wetlands and waterways; 6) the division of air quality control; 7) the Lawrence experimental station; and 8) a contract with the University of Massachusetts for environmental research; provided, that the provisions of section three B of chapter seven of the General Laws, as most recently amended by section four of chapter six of the acts of nineteen hundred and ninety-one shall not apply to fees established pursuant to section eighteen of chapter twenty-one A of the General Laws; and provided further, that the fund designations issued herein shall be deemed sufficient to meet General Fund maintenance pursuant to the provisions of subsection (m) of said section eighteen of said chapter twenty-one A, including not more than four hundred eighty positions

General Fund.....	55.0%
Clean Environment Fund.....	10.0%
Environmental Permitting and Compliance Fund...	35.0%

23,255,754

8/10/93 #8

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 9, 1993

TO: Dore' Hunter, Chairman
FROM: Don P. Johnson, Town Manager
SUBJECT: Town Meeting Budget Format

You have asked for my comments regarding you Policy Memorandum No.1 to the Board of Selectmen in the subject regard. I have drafted my comments several times and "thought" several drafts beyond that. In the final analysis, I believe my comments come down to some very basic thoughts that I would like to share with you and the Board.

When I was first appointed Town Manager I came to the position with several goals. These included (1) construction and renovation of the Town Hall, (2) raising the professionalism of every employee so that Acton became the community of comparison for the State, (3) bringing Acton into the 21st Century in computer technology and (4) convincing the taxpayers of Acton that every taxpayer deserves the benefits of a Bottom Line Municipal Budget.

You can make your own judgements as to how we have progressed in items 1-3. The focus of these comments is item #4.

My previous drafts have run the gamut from belligerent to acquiescent. I have espoused the absurdity of rejecting the entrepreneurial incentives and business efficiencies of a Bottom

Line Budget and I have reflected on the absolute right of the voters to demand and get what they want from their government. In the final analysis I believe that we - you and I - are obligated to recommend that which we believe to be in the best interests of the Town as a whole ... even if it is not the politic thing to do. Daily we are bombarded by criticism that government officials at all levels are guilty of telling the voters what they want to hear instead of what they need to hear. I believe this is one of those instances where we should take the difficult stand.

The question that we are being forced to address is not whether the Bottom Line Budget is a cost effective, efficient financial tool that works in the best interests of the taxpayer. If this were the question the answer would be a simple and resounding "YES". Rather, I believe the question is one of power and control. The Bottom Line Budget has become a symbol for some who would sell the taxpayer down the river for the sake of feeling that they were in control. This is the political side to which I believe we should not yield without a fight.

For over fourteen years as a Department Head I watched inefficient uses of the taxpayer's money being forced on the Town departments. When departments got into trouble they went to the Finance Committee for a Reserve Fund Transfer to bail them out. The Town Manager had no responsibility for making the budget work since the Department Head was in control. At year end, if a department had been frugal throughout the year and there were monies left in their budget, departments would spend any remaining balances as they saw fit. Usually this equated to many small purchases that, on the whole, contributed very little to the well being of the Town. Often, we were doing little more than the stereotypical governmental year-end spending ... because

it was there to be spent. With the Bottom Line Budget we have shown in successive years that we can encourage initiative to save money that can be used to solve problems throughout the year and/or amassed and used at the end of the year to do some real good for the Town.

I strongly urge the Board to stand firm in your resolve, address the criticisms and lead the Town in the direction we should go. If, after being fully informed of the benefits and consequences of a Bottom Line Budget, the voters prefer control to efficiency, then so be it. But I believe we should approach this exactly as the Board did on the Triple A appeal ... have the voter remand it, rather than offer compromise that would suggest that the detractors are in any way right. They are not!

As always, I am expressing my opinion for your benefit. Whatever the Board chooses to do with this issue will be fully supported by staff.

cc: Board of Selectmen

8/10/93
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**SELECTMEN'S MEETING
MAY 11, 1993**

The Board of Selectmen held their regular meeting on Tuesday, May 11, 1993. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, and Town Manager Johnson

CITIZENS' CONCERNS

NONE EXPRESSED

Chairman Hunter noted the passing of Leo Mullin with sympathy extended to his family. Mr. Mullin had been a Selectman in the Town of Maynard and active in many organizations during his performance of public service to the community.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON & NEW ENGLAND TELEPHONE

NORM LAKE - Moved to approve the joint petition for Pole location on Main Street at Woodbury Lane. ANNE FANTON - Second. UNANIMOUS VOTE

BOSTON EDISON

NORM LAKE - Moved to approve the petition for Conduit on Strawberry Hill. ANNE FANTON - Second. UNANIMOUS VOTE.

MOBIL OIL, 204 MAIN STREET - SITE PLAN #3/16/93-338

At the request of Mobil Oil, the Hearing was opened and continued to June 22, at 7:45 P.M.

ACTON MEDICAL INVESTOR, ONE GREAT RD - SITE PLAN #4/6/93-339

Dore' Hunter noted for the record has retained Mr. Kadison's services as a witness in an unrelated matter.

Atty. Kadison representing the petition outlined the process that has been followed beginning in 1988 to bring the Site Plan before the Board. The study for the Sewage treatment plant has been completed and approved. They feel that the improvements proposed will well serve the abutters as well as the Manor. Harry Donohue explained the proposal from an engineering position. Mr. Kevin Kline addressed the treatment of roof runoff. They have proposed to have the runoff diverted into a gas trap type drain instead of detention pond areas. They feel that the safety of the residents and visitors as well as the visual impact will be best served by their plan.

The landscaping will be heavy as that is what the petitioner has indicated he wishes. They will have the final plan presented to the Town for Dean Charter's review and comment prior to

starting the work. He mentioned the paver access from Bayberry Road and said that it would be locked with a gate with police and fire having keys for emergencies.

Mr. Kadison said that the sidewalk along route 2A would be constructed if so required and if all State Permits could be obtained in order to do the work in the State's right of way.

The Water line was suggested by the Acton Water District and they feel it is a good idea and will do if possible.

Nancy Tavernier spoke to the issues mentioned. The sidewalk will be required and would hookup with Now and Then's. Landscaping is a serious concern to the board especially because of the proximity of the neighbors. Concord has asked that the earth removal be done between the hours of 9-4. The Engineer was asked about the potential odors from the treatment plant and noise from the roof fan. The fan would be to remove the moisture from the building, there would be no odor. No hazardous material will be stored or required on site. The only chemical would be a nonhazardous type to remove the nitrates. No roof equipment will be required on any of the additions. Nancy felt the detention ponds would be dangerous and thought the board should waive the roof treatment in the administrative areas as long as no equipment was installed on the roof. In the 40 bed addition, she said she would prefer to see the current landscaping retained instead of constructing a detention pond.

NANCY TAVERNIER -Moved to grant waiver for treatment of roof runoff in the two areas as noted. NORM LAKE - Second. UNANIMOUS VOTE.

Norm Lake asked about the by-products of the wastewater treatment plant. The engineer explained that they use an aerobic process which uses bacteria to breakdown sewage and then the nitrates are removed and the water is clarified and the suspended matters are passed through the system to the leaching field. Every year or two a septage hauler will remove any thing not passed through the system off site.

Mr. Thomas Yocom asked that the parking lot proposed for outside the administration addition be moved in order to preserve existing trees as buffer. There was discussion on process and Board of Appeals variances that would be required. The owners of the Manor said it was in the best location where they located it for backing in and out due to the curve of the driveway. They have assured that they will landscape to shield the headlights from the neighbors.

Anne wanted to be sure that Mr. Yocom's request would be considered and that they were committed to addressing the landscaping. They said they were and that a landscape architect would be retained and the Town would have final review over the plans.

NANCY TAVERNIER - Moved to take under advisement. NORM LAKE
- Second. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the consent calendar with the addition of the request from NOW declaring June 5 as BEAR FAIRE Week. NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

B+ BUDGET DISCUSSION - Charles Kadlec urged the Board to delete the computer study from the priority list. He doesn't think it is an item to maintain services.

Dore' felt it was within the philosophy of the financial package to avoid the falling off of collections and therefore maintenance. Nancy feels it is a misnaming problem. It is made up of many modules to bring the Town Hall to full computerization. She feels that the override should address long term items and it will pay for itself in two years. She will feel very disappointed if it is removed from the list of restored items.

Anne felt that the paragraphs are very helpful and has re-written some of the descriptions. She too feels it is a maintenance item and wants it clearly outlined as such.

Norm said that would be very inadvisable to go to Town Meeting without a study to spend \$750,000.

Dore' mentioned that many of the financial people will be leaving and that it will take this to keep up the current status of collections. He asked staff to send a letter to staff thanking them for their continued efforts. Dore' asked Don to explain the positions added and hoped we get staff to develop staffing descriptions.

After much discussion it was decided to work on the title of the item. It could be changed to Integrated Network System.

John Murray outlined the information received from DOR given to him by the ACCORD group. Jan Edry noted that the programs were written for towns. They are free and Boxorough and Lincoln have them currently. John said that the State has based their system on a base used from other towns. It was noted that there has

been legislation afoot to discontinue the CAMA system for new subscribers, supported by the Companies involved in developing assessing packages.

Janet Murphy commented on her conversation with Don Johnson. She agrees with Don that what is needed is an integrated system. She wanted to know what the consultant would do and could we phase the program in. She felt you need the study, and unless you have a professional look at it you might make costly errors. John reminded them that we are bound to choose the low bidder by law.

Dore' read a memo from the Finance Committee. They have voted not to support the override. They have also asked to be involved in the Computer study if the Override passes.

LIBRARY CERTIFICATION - Wanda explained the municipal appropriation requirement formula. State law requires it to be 2 1/2 percent above the average of previous 3 years appropriation (\$399,165). Current legislation requires 95% of the previous three years. If the override passes the library would stay certified. If not, there is a shortfall.

FREE CASH - Dore' discussed his Policy Memo #6. He asked the Town Manager for the status of funds to see if there are any transfers to Free Cash expected for the next meeting.

NANCY TAVERNIER - Moved to approve the list of restored cuts 18-28 to allow flexibility to revisit 1-17 should the opportunity become available. **NORM LAKE** - Second. **UNANIMOUS VOTE.**

REQUEST TO WAIVE FEE - Dore' felt if we do it for one charitable organization we would have to do it for all. The inspections cost staff time and we cannot begin to grant waivers from inspectional visits. The Town Manager was asked to notify the Women's Club of the Board's denial of waiver.

SPECIAL EMPLOYEE STATUS - The Board reviewed materials from Bruce Stamski and staff regarding his request to perform work on the Pope Road Sidewalk. He has filed his disclosure statement with the Town Clerk as required under the Conflict of Interest Law.

NANCY TAVERNIER - Moved to approve exemption from Special Employee Status. **NORM LAKE** - Second. **UNANIMOUS VOTE.**

Anne wanted to be sure that the sidewalk runs along through the trees as stated in the planning board decision.

CABLE GRANT - Dore' will represent the Board on May 19th. at the National Cable Television Library Grant ceremonies.

COMMITTEE ASSIGNMENTS - Dore' asked that staff forward a list of current outside committee assignments for discussion at the next board meeting.

COORDINATING COMMITTEE - It was decided not to meet with the committee until after June 8th when the new superintendent is in place and has had a chance to meet with the Town Manager. Dore' agreed given the comments read at the last school committee meeting by Mr. Aronson.

CEMETERY SIGNS - Staff to let the Commissioners know that we would like to hear their recommendations. It was noted that staff is in the process of developing wording.

MAPLE HURST FARM - Anne reported on her attendance at the Planning Board hearing and the concern expressed by abutters about a soccer field.

RFP LEGAL SERVICES - Dore' will bring the proposed documents before the Board at the next meeting.

EXECUTIVE SESSION

ANNE FANTON - Moved to go into executive session to discuss contractual issues. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(392)

EXECUTIVE SESSION
MAY 11, 1993

AUDUBON HILL

Don Johnson outlined the current status. The garage has not been mentioned but the \$25,000 figure is still there. Don said he is at the point to make the decision on acceptance.

Dore' said we have several options. 1. to accept as is. 2. Pay for the add ons left off. 3. Reject the building. He felt we have a problem taking it on under the budgetary situation currently facing the town. He said that we might be able to do the work ourselves and we would have control over the work and cost coming from the \$130,000. It was noted that the items left to do for \$25,000 will not prevent us from taking the building.

It was decided to re-affirm our previous position. No more money to complete the building, and we will decide whether to accept it when it is offered.

The Board adjourned at 10:35 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(392)

8/10/93
(9)

SELECTMEN'S MEETING
June 22, 1993

The Board of Selectmen held their regular meeting on Tuesday, June 22, 1993 at 7:30 PM. Present were Dore' Hunter, Anne Fanton, Norm Lake, William Mullin, Nancy Tavernier, and Town Manager Johnson. (Cable present.)

CITIZENS' CONCERNS

Daniel Wagner, 54 Great Road, suggested the Town form a "think committee" made up of qualified volunteers, perhaps retirees, who could, "help come up with ideas on how to create income to offset our not passing Proposition

2 1/2" overrides, ex. writing grants, leasing Town owned land, and drawing new business into Town. Mr. Hunter added that any person with the interest and ability to assist the Town with State or Federal grant writing would be most appreciated, and should get in touch with Don Johnson, Town Manager.

PUBLIC HEARINGS AND APPOINTMENTS

NEW ENGLAND TELEPHONE CO. - COMMUNITY CABINET INSTALLATION

Request to locate a community cabinet on Town property in the Stow Street area. Mrs. Fanton expressed concern with the location of this cabinet in a rural area. Mrs. Tavernier remembered there being a cabinet in that general vicinity at one time. Mr. Johnson could see no reason for the cabinet not to be located there.

ANNE FANTON - Moved to approve this location. NORM LAKE - Second.
UNANIMOUS VOTE.

NEW ENGLAND TELEPHONE CO. - LILAC COURT

Request for conduit location on Lilac Court. Mr. Lake feels it would be regrettable to cut a large cable underground. Mrs. Tavernier feels these suggestions are like "second-guessing the Staff". Mr. Lake would like more information. This vote will be held over for the next meeting.

NEW ENGLAND TELEPHONE CO. - PATRIOT'S ROAD

Request for conduit location at Patriots Road. No comments.

NANCY TAVERNIER - Moved to approve this location. NORM LAKE - Second.
UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the consent calendar as printed.
ANNE FANTON - Second. UNANIMOUS VOTE.

MOBIL OIL SITE PLAN SPECIAL PERMIT CONTINUATION

Dore' Hunter passed the gavel to Anne Fanton and removed himself from the proceedings as he has done work for Mobil Oil.

Mrs. Fanton read Mobil Oil's site plan permit application which includes requests for a canopy over the pump islands and reconstruction of the present Mobil Service Station, located at 204 Main Street. Mrs. Fanton asked Mr. Lombardo, Mobil Oil Company's representative, to present their plans.

Mr. Lombardo explained, this station consists of a one-story service station, three repair bays, a small transaction area (cash register and snacks), and two pump islands with four access points, two along Main Street and two along Prospect Street. The existing station will remain the same except for a slight increase in the transaction/cash register area, adding approximately 108 square feet. Mobil Oil also proposes placing a canopy over the pump islands, where there will be a slight change in the location of the dispensers. Most significantly, the driveway/access points will be reduced, from four to three driveways. There will be two driveways on Main Street, with the northernmost driveway being decreased in entrance area from sixty-one feet to thirty-five feet, and the driveway closest to the intersection will be reduced from thirty-seven feet to thirty feet. The driveway on Prospect Street, closest to the intersection, will be eliminated, with the remaining driveway on Prospect Street being reduced from sixty-five feet to fifty feet. Mobil also proposes to install a storage and trash area on the corner along Prospect Street. Parking spaces will be added, including a dicap-van parking space, and the tall light poles will be replaced with low-level lighting. The fourteen foot t near the parking spaces, as well as the one near Prospect Street, will be replaced with low-level lighting.

Landscaping will be increased on the site by twenty-five percent. At Town Staff requests, trees have been added to the site plan, as well as extending the sidewalk, adding a fire alarm box, and numerous technical changes have been made to the detailed plan. Staff has requested a change in the southernmost driveway on Main Street, as it will be too close to the intersection once all the changes take place and would limit the Town's plans for intersection improvements. However, Mr. Lombardo went on to say Mobil, after much discussion with the Town, has decided to present the site plan as designed without a driveway relocation.

Mrs. Fanton asked Mr. Lombardo why Mobil has not been able to produce a copy of the cancelled check which was to have been paid to the Town by Mobil for engineering consultant's fees. Mr. Lombardo replied that he finds it curious that this check has not been found. If necessary, Mobil will replace it with another. Mrs. Fanton asked if the lighting wattage could be reduced as proposed as the station is too bright for its location, and would it be possible to use the type of low level lights at the Great Road Mobil and replace the canopy with four lights rather than six. Mr. Lombardo will investigate the latter but agreed to the former (re. low level lights). Mrs. Fanton asked if the pump island could be rotated slightly so that staff's concerns could be addressed. Mr. Lombardo conferred with his Mobil consultants and they concurred that Mobil will present their site plan as designed.

Mrs. Fanton asked for Board comments. Mrs. Tavernier asked why the pumps have been moved further apart, and if they are moved in closer perhaps this would solve the driveway problem. Mr. Lombardo's Mobil consultant explained that the two islands need this distance so that the cars entering from either direction towards the center will have enough space to maneuver. Mrs. Tavernier then asked if Mobil's reluctance to have cars leave from Prospect Street is due to the current intersection design, and if so, would Mobil be willing to consider utilizing two Prospect Street driveways and closing the one Main Street driveway once the intersection changes have been made. Mr. Lombardo asked for time to confer with his Mobil consultants. Mr. Lake asked if repairs will continue to be performed at this station. Mr. Lombardo answered in the affirmative.

Mrs. Fanton explained that the Board has the prerogative to condition their approval on a plan which is acceptable, if this would assist Mobil in making any design changes now. After conferring, Mr. Lombardo reiterated that it is Mobil's intention to present their site plan as designed and would like the Board to act on this plan now. Mrs. Fanton made clear that Mobil will accept all conditions in the Building Commissioner's memo, including the sidewalk issue, and if Mobil intends to expand beyond the scope of this proposed plan, e.g. changing the existing service bays to a retail operation, they will need additional reviews by the Board of Selectmen. Mr. Lombardo agreed to these conditions for Mobil with the exception of the sidewalk issue, which he will take up with Mobil.

ANNE FANTON - Moved to take under advisement. NORM LAKE - Second.
UNANIMOUS VOTE. (DORE' HUNTER ABSTAINED)

MICHAEL LYNCH INTERVIEW

Dore' Hunter introduced Michael Lynch to the Board. Mr. Lynch has been recommended by the Volunteer Coordinating Committee to become an alternate member of the Acton Historical Committee for a 3-year term. Mr. Lynch is an attorney and has had some experience with local Board's as he has represented the Belmont Zoning Board with legal issues. Mr. Lynch expressed his desire to "get involved in the public sector" and with his particular experience, feels will help the Historical Committee, as well as his interest in learning more about Acton history.

NANCY TAVERNIER - Moved to recommend Michael Lynch for a 3-year term for the Acton Historical Committee.
NORM LAKE - Second. UNANIMOUS VOTE.

Anne Fanton spoke to the earlier request for a "think tank" committee, by responding that this is a good example of how Town volunteers do make a difference in a positive way.

TRANSFER STATION FEES

Dore' Hunter presented Dick Howe's request for an increase in the transfer station fee per household from \$85.00 per year to \$99.00 for FY94. John Murray explained that the average transfer station cost per household is \$375.00 per year, and although a large portion of this cost is offset by the tax base, the cost is such that an increase to \$99.00 is needed at this point. The cost of a second sticker for a household is \$20.00 and will remain the same, as well as the cost of a replacement sticker which is now \$5.00 and will remain the same. Dick Howe has also proposed that we drop the non-resident sticker program as we have had an average of just one non-resident per year so that the cost of keeping this in place outweighs its use. Mr. Mullin asked if trash from condominiums would help to offset the transfer station cost? Mr. Murray explained that the Gog Woods condominium was using one truck, at a cost of the equivalent of one household, for the whole complex. It was decided that the fees should be the same per household, whether this household was in a

condominium complex or not. Mrs. Fanton asked the cost of having trash commercially picked-up. Mr. Murray answered this cost would run between \$300.00 to \$400.00 per year. Mrs. Fanton suggested decreasing the fee to \$95.00 per year as being more palatable. Conversely, Mrs. Tavernier would recommend increasing the fee by \$1.00, setting the rate at \$100.00 as a small amount per household which would make a positive difference in the transfer station cost.

BILL MULLIN - Moved to approve the Transfer Station fee schedule as presented.

ANNE FANTON - Second.

NANCY TAVERNIER - Made a motion to amend the fee schedule, increasing the rate of the first sticker cost per household from \$99.00 to \$100.00 for FY94.

AMENDMENT CARRIED WITH TWO DISSENT VOTES CAST BY BILL MULLIN AND ANNE FANTON.

NANCY TAVERNIER - Moved the fee schedule as amended. NORM LAKE - Second.

UNANIMOUS VOTE.

SOUTH ACTON SEWER FEASIBILITY REPORT

Dore' Hunter summarized the consultant's report of the South Acton gift by Lunn & Sweeney, developer's of "Mill Corner" in South Acton. This gift will be presented in either the form of four houses in the subdivision to be designated and sold as "affordable housing", or in the form of a monetary gift of \$300,000 to be available to help pay for a sewerage system for an area of South Acton. Doug Halley explained that there will be room for forty parcels to be part of this sewerage system. He presented a map to show the locations to be along School Street and parcels on River Street that abut School Street. The consultant, Mark Thompson, explained that to construct a conventional sewer system to meet all the needs of South Acton would be so cost prohibitive that it has not been accomplished to date. The system he is proposing is an alternative system which will be much more cost effective, consisting of a grinder pump to be installed in each yard with smaller, low-pressure lines, buried close to the surface. Mr. Hunter asked if a pump "breaks down" who would pay to have it repaired? Mr. Thompson said the alternatives would be for either the Town to maintain the pumps or each household owner could pay a private contractor to maintain the pumps.

Mrs. Tavernier asked if the previous gift received for South Acton sewerage which now consists of \$140,000 could be used to help defray some of these expenses, perhaps legal fees included. She also asked if the new "Mill Corner" residents will pay their share of the sewerage costs? Another important issue to be resolved will be whether each parcel will be required to be part of the system, and of these parcels will there be users fees to take care of system maintenance or will the maintenance be a municipal expense?

Mr. Hunter then asked for questions from the floor. Glen Berger, 2 School Street, wondered how the fee would be assessed; whether numbers of bedrooms or how proportioned? He also expressed what a "great opportunity this is for sewers" in South Acton.

Michael Bradley, 75 School Street, added that the need is there and that this would have a positive effect on long-term health care and he urges the Selectmen to "move forward and resolve these issues".

Trey Schupert, Vice-Chairman of the Planning Board and Chairman of the South Acton Village Group, expressed his personal desire for sewers, rather than housing, as "sewers are critical to the vitality of that center".

Judy Crongill, Parker Street, asked what Lunn & Sweeney get for this gift? Dore' answered they are able to sell the 4 units at market rate.

Ed Richter urged the Selectmen to "move on sewers as this is a rare occasion".

Joe Glannon, South Acton, questioned is this a wise decision now as the cost, which could be approximately \$7,000 per residence, would be charged per household whether the household needs this sewerage treatment or not? He went on to question whether the new residents would be required to share in this initial system cost and the ongoing maintenance cost?

Doug Halley, Health Director, answered it is Lunn & Sweeney's opinion that as they are presenting the gift of \$300,000 to get the system in place, they don't feel it would be fair for a new resident to pay initial fees to put this pump in place. However, all residents would share in the maintenance costs.

Betty McManus, Acton Housing Authority, spoke effectively, urging the Board to consider carefully the issue of affordable housing and the great need we have in Town for small, affordable homes for municipal employees, as well as others. She went on to say, Deck House has offered to construct an affordable home for a family in Town but a site must be found and Betty urged the Board to be supportive in assisting a location. It's important to add that Betty understood the need for sewers in South Acton and was not opposing this change.

Michael DeBasee, 4 Piper Road, asked if Piper Lane (which is located behind Piper Road and adjacent to School Street) residents could be added onto the project if there are residents who have the ability to decide not to be included in the system? Mr. Hunter answered no, this cannot be an option.

John Coughlin, 40 School Street, "doesn't like the way it's being approached" with forty parcels being included, others being excluded, and of the forty to be part of the system, perhaps there are some who do not need the system.

Carl Mankiewicz, owner 32 School Street, has never had a septic problem, and feels it would be unfair to charge forty homeowners to pay for the system.

Sandy Whaley, South Acton Village Planning Committee, conducted a survey of the sewerage question, and the people felt sewerage would be a good investment. She added the sewerage issue has been "studied to death" and something needs to be done now.

Jean Schoch, 6 Doris Road, expressed "shame to the Town" and feels very badly that something hasn't been done for South Acton's sewerage problem, but she also wonders if it's fair for developers to "come in and say we'll give you housing and then they change their minds?", and she doesn't want to see affordable housing be "lost in the shuffle".

Mrs. Fanton thanked Mrs. McManus for her presentation, and she agrees with Jean Schoch, that every time there seems to be a chance for affordable housing "something come in its way", and she knows how hard Betty McManus has worked and wanted to "express her support" towards affordable housing in new developments and was not opposing this "gift", and only hopes that this choice will never have to be made again.

Mr. Lake, although agreeing with Mrs. Fanton's sentiment, feels strongly that this may be "the last chance in this century" to do something about sewers in South Acton, and although there are many details to be worked out, it should be done.

Mrs. Tavernier added that she came onto the Board seven years ago with the "desire to do something about South Acton sewerage", and although she said that "no one has worked harder than Betty McManus" for affordable housing, adding that she "never gives up" and that "some day ACHC will have a unit", this is "such an opportunity to do so much good for a piece of this community" that she must support the sewerage.

Mr. Mullin asked that there be a "letter of credit" requested or cash required, as he feels leaving the gift of \$300,000 open-ended could cause problems.

Mr. Hunter then called for a motion.

BILL MULLIN - Moved that the Board of Selectmen, on behalf of the Town of Acton accept the donation of a gift of \$300,000 from Lunn & Sweeney for the betterment of South Acton Village. The \$300,000 shall be paid in cash by June 29, 1993 or shall be evidenced by an irrevocable letter of credit satisfactory to the Town Manager with payments paid on a pro-rata basis upon the sale of units 2,5,8 and 11, but in any event, in full no later than December 31, 1994.

NANCY TAVERNIER - Second. **UNANIMOUS VOTE.**

SELECTMEN'S BUSINESS

TOWN-SCHOOL COMPARATIVE WAGE STATISTICS - Chairman Hunter asked for the both the Asst. Town Manager's opinion, as well as the Town Manager's opinion, on the wage statistics gathered from the schools in comparison with municipal wages. Don and John were able to "take a quick look" at the statistics, and continued Don, "there appears to be an annual differences of between 1% to 2%". Chairman Hunter asked for an analysis for the next Board meeting.

SUPERIOR CLASS II LICENSE - Chairman Hunter asked for Don's comments. Don has spoken with Mr. Wagner numerous times regarding his Class II license. Mr. Wagner has had a Class II license for his car lot at 790 Main Street and he has been storing and selling cars illegally at his home on 50 Great Road, which is located in a Village District. Mr. Wagner feels that he should be allowed to have 50 Great Road added to his Class II license as a second location as he has been storing vehicles there for such a long time. Mr. Wagner joke, explaining that he feels this issue started a year and half ago when his problems started with the illegal sign at 790 Main Street. He was to renew his Class II license this past winter and he was asked, at that

time, to remove the vehicles being illegally stored and sold at 50 Great Road. Mr. Johnson recommends that Mr. Wagner's license be modified, the vehicles removed from 50 Great Road, and then it can be renewed.

BILL MULLIN - Moved to approve the Town Manager's recommendation.

NORM LAKE - Second.

MOTION CARRIED WITH ONE DISSENT VOTE CAST BY NANCY TAVERNIER.

PROPOSED POLICIES - Chairman Hunter requested comments from the Board regarding his memo proposing changes he sees necessary in the following areas: a provider "vehicle" to work with the school budget as it reflects along with the total yearly budget; year-end funds allocated in the following year's budget to the entity generating the turn-back; guidelines from Town Counsel, are some of the issues brought before the Board. Anne said that she supports all of Dore's points. Nancy commented that she feels strongly that the coordinating committee was set-up as a governmental body and has authority to make recommendations and decisions, and she feels that it would be important and helpful if this committee had a "deputy" moderator, someone with expertise, but outside the three groups that make-up the committee, someone without a particular vested interest in decisions made.

This idea will be investigated. Dore' then made the point that money which is turned back to the municipal budget at the end of the fiscal year then goes into the Town "pool", not into the general pool, so that the schools then get 2/3 of the money from the Town's previous FY budget.

NORM LAKE - Made a motion to adopt the policy of keeping Town money in Town coffers.

NANCY TAVERNIER - Second. UNANIMOUS VOTE.

BILL MULLIN - Made a motion adopting Dore's guidelines for Town Counsel.

ANNE FANTON - Second.

UNANIMOUS VOTE.

ROUTE 2 CAC - Anne and Dore' went to the last CAC meeting, June 10, and Anne reported that there were a number of issues discussed, namely improvements which will be made at "Crosby's Corner" and also signal changes; the rotary at the Concord Prison, which seemed to have all in agreement that this rotary "operates like no other" and needs improvements. There will be a "feasibility study" to begin in 1994, with a completion date of December, 1995. This study will recommend changes to be considered from Route 126 in Concord to Route 111. It will be important to think about goals and problem-solving in the next few weeks. Anne and Dore' will meet with staff to discuss goals.

CELLULAR ONE SITE PLAN SPECIAL PERMIT #12/15/89-319 - Cellular One site plan was presented.

BILL MULLIN - Moved to approve the Cellular One Site Plan Special Permit.

NANCY TAVERNIER - Second.

UNANIMOUS VOTE.

SUNOCO, KELLEY'S CORNER - Nancy will read through and give comments as needed for the Site Plan amendment requested by the Petitioner.

TOWN MANAGER'S REPORT

The Board requested the Town Manager to revise his reappointment list.

EXECUTIVE SESSION

BILL MULLIN - Moved to go into executive session.

UNANIMOUS VOTE.

Minutes on following page.

The Board adjourned at 11:45 PM.

Clerk

Date

Valerie Sippelle
Temporary Recording Secretary
(781)

**SELECTMEN'S MEETING
EXECUTIVE SESSION
June 22, 1993**

AUDUBON HILL/SENIOR CENTER LEASE - The Town Manager briefed the Board on the status of negotiations on Audubon Hill and the Board provided additional direction to the Town Manager.

WR GRACE - Town Manager briefed the Board concerning settlement negotiations of the Town's cost recovery suit against WR Grace. The Board of Selectmen provided direction to the Town Manager to settle the suit without becoming involved in long-term air quality monitoring.

TOWN OF ACTON

8/10/93 10

Inter-Departmental Communication

DATE: July 21, 1993

TO: Selectmen/Finance Committee
FROM: Trustees, West Acton Citizens Library
SUBJECT: Restricted Gift

Trustees request you accept the gift noted below and credit to our gift account #1436. The gift will be used to cover the cost of books/expenses.

\$1,000.00 from Citizens Library Auxiliary (340)

Edward Clary
Frances E. Beall
Madelaine C. Kaduboski
Trustees

Roy is holding
Check

CITIZENS LIBRARY AUXILIARY
21 WINDSOR AVE.
ACTON, MASS. 01720

340

July 20 1993

53-7122/2113

PAY TO THE
ORDER OF

Town of Acton

\$ 1,000.00

One thousand & 00/100

DOLLARS



NATICK, MA 01740

MEMO

Blanche A. Strehlbridge

1:2113712271: 123903856# 0340

CONFIDENTIAL

CONFIDENTIAL

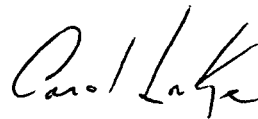
5-3-93
①

July 19, 1993

CONFIDENTIAL

Doreen LeBlanc is a single parent AFDC mother raising two teen age children. There is absolutely no family support. This family has struggled through Doreen's serious illness and her educational pursuit. Doreen has completed paralegal training and is job hunting.

I have known this family for some time. Acton Housing Authority is subsidizing the family's rental and is documenting the need for assistance with the transfer station annual fee. One hundred dollars would be just under one fifth of the family's next monthly income. Doreen is a responsible person; she would use the funds for the intended purpose.



Carol Lake
Council On Aging

Varnum Tuttle Fund: \$100.

JUL - 6

ACTON HOUSING AUTHORITY
68 WINDSOR AVENUE
ACTON, MA 01720
(508) 263-5339

June 30, 1993


Dore' Hunter, Chairman
Acton Selectman
Town Hall
Acton, MA 01720

Dear Dore',

As the Executive Director of Acton Housing Authority I am writing the selectmen for their consideration of waiving the dump fee of \$100 for the LeBlanc family living at 446 Mass. Avenue. The house they live in is a single family house and they are responsible for their own trash removal. I can verify based on the family's income that the dump fee would be an extreme hardship to this family.

Thanking you in advance for your positive consideration in this request.

Sincerely



Naomi E. McManus
Executive Director

cc: Doreen LeBlanc

8/10/93 (12)

CONFIDENTIAL

July 27, 1993

Edward and Barbara Bentsen, 71 Hosmer Street, are senior citizens living on a small fixed income. They live in space provided by the Concordian Motel in exchange for their light maintenance work. Mr. Bentsen was self-employed in his own small business which eventually failed. Barbara at one time work part-time in the Assessor's Office. Mr. Bentsen broke his glasses; there was an immediate need for a replacement pair.

This couple has had help in the past with prior eyeglass purchases. They have no health insurance that would cover this large, necessary expense. By low income level they would qualify for this requested assistance.

Carol Lake

Carol Lake

Council On Aging

Betsy Ball Fund: \$380.

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

~~7/11~~
8/10/93
(13)

DATE : 19 May 1993
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendation for Appointments

At its meeting of March 8, 1993, the VCC voted to recommend Marilyn M. WOLFSON to full member of the Ft. Devens Second Airport Task Force upon verification of the resignation of Fred Rudolph. Having received this confirmation, we so recommend Dr. Wolfson's appointment from Associate to Member, term expiring upon disbanding of the Task Force.

At its meeting of May 17, 1993, the VCC voted to recommend Stephen K. CROCKETT to be appointed Member Board of Appeals. He will replace Matt Mleziva whose term expires 6/30/93. Stephen will serve a three-year term expiring 6/30/96.

At the same meeting, the VCC voted to recommend two candidates for consideration to the one Alternate opening being created by the appointment of Crockett to member. We recommend Nicholas P. MILLER or Peter J. BERRY to this opening. for a three-year term expiring 6/30/96. Both candidates are well qualified. MILLER is an engineer with extensive experience with noise control and dealing with parties in conflict. BERRY is an attorney and has extensive experience in public housing and permit procedures.

At the same meeting, the VCC voted to recommend Richard M. CROSWELL to Associate Member to the Planning Board for a one-year term expiring 6/30/94. Mr. Croswell is a structural engineer. He has been encouraged to apply by Trey Shupert, a current member, who has pointed out the time committment which did not deter Mr. Croswell.

TOWN OF ACTON VOLUNTEER APPLICATION

*rec'd
4-23-92*

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: April 21, 1992

XXXXXX XX / Dr <u>Wolfson</u> <div style="text-align: center;">Last Name</div>	<u>Marilyn</u> <div style="text-align: center;">First Name</div>	<u>M.</u> <div style="text-align: center;">Middle Initial</div>
<u>10 Pond View Drive</u> <div style="text-align: center;">Street Address</div>	<u>(508) 635-0551</u> <div style="text-align: center;">Home Phone</div>	<u>(617) 981-3409</u> <div style="text-align: center;">Business Phone</div>

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) Task Force, Airport - Ft. Devens
- 2) Hanscom Field Advisory Commission *conflict?*
- 3) _____

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere) ? If you have, please list name(s) and dates (approx):

No.

Do you have any time restrictions ? Work 8:30 - 5 pm, Mon - Fri

How long have you lived in Acton? 4 years in Massachusetts? 12 years

Are you a US citizen ? Yes

Present occupation and employer (optional - attach resume)

Research Meteorologist - MIT Lincoln Laboratory (resume attached)

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No

Education or special training Resume attached

Marilyn Mitchell Wolfson

MIT Lincoln Laboratory, Room 29HW-115
P.O. Box 73
Lexington, MA 02173
(617) 981-3409

Current Position

MIT Lincoln Laboratory, Staff Member, Weather Sensing Group

Education

- Ph.D.** 1990 Meteorology, Massachusetts Institute of Technology.
Thesis: Understanding and Predicting Microbursts
Advisor: Professor Kerry A. Emanuel
- S.M.** 1983 Meteorology, Massachusetts Institute of Technology.
Thesis: Doppler Radar Observations of an Oklahoma Downburst
Advisor: Professor Kerry A. Emanuel
- B.S.** 1979 Atmospheric Science, University of Michigan, College of Engineering,
Magna Cum Laude.

Professional Experience

- 1983 **Staff Member** (with Dr. James Evans, Melvin Stone, and Dr. Mark Weber)
to MIT Lincoln Laboratory Weather Sensing Group
present
- Meteorological studies related to aviation avoidance of hazardous weather
 - Research on thunderstorm phenomenology for microburst prediction
 - Primary meteorologist on FAA low-altitude wind shear detection program (using Lincoln-built prototype Terminal Doppler Weather Radar)
 - Software Coordinator for staff developing radar and meteorological utilities
- 1982 **Research Assistant** (with Dr. Kerry Emanuel and Dr. Peter Ray, NSSL)
to MIT Department of Meteorology and Physical Oceanography
1983
- Case study using Doppler radar data of an Oklahoma downburst
- 1980 **Research Assistant** (with Dr. Sushil Atreya)
University of Michigan Department of Atmospheric and Oceanic Sciences
- Thermodynamic study of Jovian atmosphere
- 1979 **Summer Fellow** (with Dr. Wei-Chyung Wang and Dr. William Rossow)
NASA Goddard Institute for Space Studies in conjunction with Columbia University
- Climate sensitivity of 1-D radiative-convective climate model with cloud feedback

Honors and Awards

MIT Lincoln Laboratory Staff Associate Ph.D. Program, 1985–1990
Ida M. Green Fellow, MIT, 1980–1981
National Science Foundation Graduate Fellowship, Honorable mention, 1980
NASA Goddard Institute for Space Studies Summer Fellowship
Planetary Atmospheres and Climate Program, 1979
Outstanding Achievement Award, Undergraduate in Atmospheric Science
University of Michigan, 1979

Honorary and Professional Societies

American Meteorological Society, Member
Sigma Xi, scientific honor society, Associate member, 1983; Full Member, 1988
Tau Beta Pi, Member, 1979

Other Positions

National Research Council Committee on Meteorological Analysis, Prediction, and Research (CMAPR), 1991 – 1994
Associate Editor, *Monthly Weather Review*, 1991 – present
Lincoln Laboratory Global Climate Change Committee, Member, 1990 – 1991
Invited Speaker, 16th Conference on Severe Local Storms, 1990
American Meteorological Society Committee on Severe Local Storms, Member
3 year term beginning January, 1988

Session Chairman, 25th International Conference on Radar Meteorology, 1991
Invited Session Chairman, 16th Conference on Severe Local Storms, 1990
Session Chairman, 24th Conference on Radar Meteorology, 1989
Session Chairman, 14th Conference on Severe Local Storms, 1985

PUBLICATIONS

Ph.D. Thesis

Wolfson, M.M., 1990: *Understanding and Predicting Microbursts*. Massachusetts Institute of Technology, 303 pp.

Journal Articles

Wolfson, M.M., 1989: The FLOWS automatic weather station network. *J. Atmos. Ocean. Technol.*, 6, 307–326.

Wolfson, M.M., and T.T. Fujita, 1989: Correcting wind speed measurements for site obstructions. *J. Atmos. Ocean. Technol.* 6, 343–352.

Journal Articles (cont.)

- Wolfson, M.M., 1988: Characteristics of microbursts in the continental United States. *The Lincoln Laboratory Journal*, **1**, 47-72.
- Klinge, D.K., D.R. Smith, and M.M. Wolfson, 1987: Gust front characteristics as detected by Doppler radar. *Mon. Wea. Rev.*, **115**, 905-918.
- Wang, W.C., W.B. Rossow, M.S. Yao, and M.M. Wolfson, 1981: Climate sensitivity of a one-dimensional radiative-convective model with cloud feedback. *J. Atmos. Sci.*, **38**, 1167-1178.

Conference Papers

- DeLaura, R, M.M. Wolfson, and P.S. Ray, 1991: Errors in Cartesian windfield synthesis techniques using triple Doppler radar networks, *25th International Conference on Radar Meteorology*, Paris, 630-633.
- Weber, M.E., Wolfson, M.M., D. Clark, S. Troxel, A. Madiwale, and J. Andrews, 1991: Weather information requirements for terminal air traffic control automation. *4th International Conference on Aviation Weather Systems*, Paris, 208-211.
- Wolfson, M.M., J.R. Anderson, and L. Orf, 1991: A new hypothesis for the meteorological events surrounding the Delta 191 accident at DFW on August 2, 1985. *4th International Conference on Aviation Weather Systems*, Paris, speech presented.
- Wolfson, M.M., and R. Hallowell, 1991: Characteristics of microbursts. *4th International Conference on Aviation Weather Systems*, Paris, speech presented.
- Wolfson, M.M., D. Klinge-Wilson, M. Donovan, J. Cullen, D. Neilley, M. Liepins, R. Hallowell, J. DiStefano, D. Clark, M. Isaminger, P. Biron, and B. Forman, 1990: Characteristics of thunderstorm-generated low altitude wind shear: A survey based on nationwide Terminal Doppler Weather Radar testbed measurements. *Preprints, 29th IEEE Conference on Decision and Control*, Hawaii, 682-688.
- Wolfson, M.M., 1990: Understanding and predicting microbursts. *Preprints, 16th Conference on Severe Local Storms*, Banff, Amer. Meteor. Soc., 340-351.
- Cullen, J.A., and M.M. Wolfson, 1990: Predicting summer microburst hazard from thunderstorm day statistics. *Preprints, 16th Conference on Severe Local Storms*, Banff, Amer. Meteor. Soc., 383-387.
- Liepins, M.C., M.M. Wolfson, D.A. Clark, and B.E. Forman, 1990: A comparison of anemometer and Doppler radar winds during wind shear events. *Preprints, 16th Conference on Severe Local Storms*, Banff, Amer. Meteor. Soc., 356-361.
- Wolfson, M.M., 1988: Characteristics of microbursts observed in the continental U.S. *Preprints, 15th Conference on Severe Local Storms*, Baltimore, Amer. Meteor. Soc., 372-379.
- Wolfson, M.M., 1987: The FLOWS automatic weather station network. *Preprints, 6th Symposium on Meteorological Observations and Instrumentation*, New Orleans, Amer. Meteor. Soc., 294-299.
- Wolfson, M.M., and T.T. Fujita, 1987: Correcting wind speed measurements for site obstructions. *Preprints, 6th Symposium on Meteorological Observations and Instrumentation*, New Orleans, Amer. Meteor. Soc., 358-363.

Conference Papers (cont.)

- Wolfson, M.M., J.T. DiStefano, and T.T. Fujita, 1985:** Low-altitude wind shear characteristics in the Memphis, TN area based on mesonet and LLWAS data. *Preprints, 14th Conference on Severe Local Storms*, Indianapolis, Amer. Meteor. Soc., 322-327.
- Wolfson, M.M., and M.W. Merritt, 1985:** Automatic microburst detection using Doppler weather radar data. *Presented at International Geoscience and Remote Sensing Symposium (IGARSS '85)*, Amherst, MA, Jointly sponsored by IEEE Geoscience and Remote Sensing Society and USNC/URSI - Commission F.
- Wolfson, M.M., 1983:** Doppler radar observations of an Oklahoma downburst. *Preprints, 21st Conference on Radar Meteorology*, Edmonton, Amer. Meteor. Soc., 590-595.

Lincoln Laboratory Project Reports

- Wolfson, M.M., ed., 1990:** Contributions to the American Meteorological Society 16th Conference on Severe Local Storms. *Project Report ATC-173*, MIT/Lincoln Laboratory, FAA Report No. DOT/FAA/NR-90/3, 56 pp.
- Donovan, M.F., and M.M. Wolfson, 1988:** Selected Dual Doppler wind shear events during the 1987 Operational Test and Evaluation of the Enhanced LLWAS system at Stapleton International Airport. *Project Report ATC-158*, MIT/Lincoln Laboratory, FAA Report No. DOT/FAA/PS-88-9, 146 pp.
- Wolfson, M.M. and M.J. Iacono, 1987:** A comparison of PAM-II and FLOWS mesonet data during COHMEX. *Project Report ATC-154*, MIT/Lincoln Laboratory, FAA Report No. DOT/FAA/PM-87-36, 47 pp. (NTIS No. AD-A 190 227)
- Rinehart, R.E., J.T. DiStefano, and M.M. Wolfson, 1987:** Preliminary Memphis FAA/Lincoln Laboratory Operational Weather Studies Results. *Project Report ATC-141*, MIT/Lincoln Laboratory, FAA Report No. DOT/FAA/PM-86-40, 198 pp.
- Wolfson, M.M., J.T. DiStefano, and B.E. Forman, 1986:** The FLOWS automatic weather station network in operation. *Project Report ATC-134*, MIT/Lincoln Laboratory, FAA Report No. DOT/FAA/PM-85-27, 266 pp. (NTIS No. AD-A 194 552)
- Wolfson, M.M., J.T. DiStefano, and D.L. Klinge, 1984:** An automatic weather station network for low-altitude wind shear investigations. *Project Report ATC-128*, MIT/Lincoln Laboratory, FAA Report No. DOT/FAA/PM-84-13, 58 pp. (NTIS No. AD-A 148 139)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

8/10/93

(14)

DATE : 22 July 1993
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendations for Appointments

At its meeting on 19 July 1993, the VCC made the following recommendations for your consideration:

VAILLANCOURT, R. Peter to become a Full Member of the Board of Health filling the unexpired term resulting from the resignation James Barbato. His term would expire on 6/30/94. This is supported by the Board of Health.

PATTON, Cindy A. to be Associate Member of the Board of Health for a one-year term expiring on 6/30/94 if the above action is favorably acted on. While we gave consideration to Cindy being recommended for the Commission on Disability, we concluded that her training and experience would equally be valuable to the Board of Health.

McELROY, Linda S. to be moved up from Associate Member to Full Member of the Conservation Commission for a three-year term expiring 30 June 1996. This action has the support of the Conservation Commission.

PARKER, James L. to be a Member of the Council on Aging for a one-year term expiring on 6/30/94. He has extensive training and experience in the problems of the elderly and can provide expertise in Medicare and Medicaid.

CONN, Angelene L. to be a member of the Council on Aging for a one-year term expiring 6/30/94. While only a relatively recent resident of Acton, she is anxious to become involved in Town activities and feels she can make a contribution to the Council.

HARTUNG, Kay B. to be a Member of the Acton/Boxborough Arts Council for a two-year term expiring 6/30/95. She has attended meetings of the Council and was active for some six years on the Somerville Arts Council.

7-12-1962

6-1493

Date: 6/2/93

(HARTUNG) ¹ ² ³ ⁴ ⁵ ⁶ ⁷ ⁸ ⁹ ¹⁰ ¹¹ ¹² ¹³ ¹⁴ ¹⁵ ¹⁶ ¹⁷ ¹⁸ ¹⁹ ²⁰ ²¹ ²² ²³ ²⁴ ²⁵ ²⁶ ²⁷ ²⁸ ²⁹ ³⁰ ³¹ ³² ³³ ³⁴ ³⁵ ³⁶ ³⁷ ³⁸ ³⁹ ⁴⁰ ⁴¹ ⁴² ⁴³ ⁴⁴ ⁴⁵ ⁴⁶ ⁴⁷ ⁴⁸ ⁴⁹ ⁵⁰ ⁵¹ ⁵² ⁵³ ⁵⁴ ⁵⁵ ⁵⁶ ⁵⁷ ⁵⁸ ⁵⁹ ⁶⁰ ⁶¹ ⁶² ⁶³ ⁶⁴ ⁶⁵ ⁶⁶ ⁶⁷ ⁶⁸ ⁶⁹ ⁷⁰ ⁷¹ ⁷² ⁷³ ⁷⁴ ⁷⁵ ⁷⁶ ⁷⁷ ⁷⁸ ⁷⁹ ⁸⁰ ⁸¹ ⁸² ⁸³ ⁸⁴ ⁸⁵ ⁸⁶ ⁸⁷ ⁸⁸ ⁸⁹ ⁹⁰ ⁹¹ ⁹² ⁹³ ⁹⁴ ⁹⁵ ⁹⁶ ⁹⁷ ⁹⁸ ⁹⁹ ¹⁰⁰ ¹⁰¹ ¹⁰² ¹⁰³ ¹⁰⁴ ¹⁰⁵ ¹⁰⁶ ¹⁰⁷ ¹⁰⁸ ¹⁰⁹ ¹¹⁰ ¹¹¹ ¹¹² ¹¹³ ¹¹⁴ ¹¹⁵ ¹¹⁶ ¹¹⁷ ¹¹⁸ ¹¹⁹ ¹²⁰ ¹²¹ ¹²² ¹²³ ¹²⁴ ¹²⁵ ¹²⁶ ¹²⁷ ¹²⁸ ¹²⁹ ¹³⁰ ¹³¹ ¹³² ¹³³ ¹³⁴ ¹³⁵ ¹³⁶ ¹³⁷ ¹³⁸ ¹³⁹ ¹⁴⁰ ¹⁴¹ ¹⁴² ¹⁴³ ¹⁴⁴ ¹⁴⁵ ¹⁴⁶ ¹⁴⁷ ¹⁴⁸ ¹⁴⁹ ¹⁵⁰ ¹⁵¹ ¹⁵² ¹⁵³ ¹⁵⁴ ¹⁵⁵ ¹⁵⁶ ¹⁵⁷ ¹⁵⁸ ¹⁵⁹ ¹⁶⁰ ¹⁶¹ ¹⁶² ¹⁶³ ¹⁶⁴ ¹⁶⁵ ¹⁶⁶ ¹⁶⁷ ¹⁶⁸ ¹⁶⁹ ¹⁷⁰ ¹⁷¹ ¹⁷² ¹⁷³ ¹⁷⁴ ¹⁷⁵ ¹⁷⁶ ¹⁷⁷ ¹⁷⁸ ¹⁷⁹ ¹⁸⁰ ¹⁸¹ ¹⁸² ¹⁸³ ¹⁸⁴ ¹⁸⁵ ¹⁸⁶ ¹⁸⁷ ¹⁸⁸ ¹⁸⁹ ¹⁹⁰ ¹⁹¹ ¹⁹² ¹⁹³ ¹⁹⁴ ¹⁹⁵ ¹⁹⁶ ¹⁹⁷ ¹⁹⁸ ¹⁹⁹ ²⁰⁰ ²⁰¹ ²⁰² ²⁰³ ²⁰⁴ ²⁰⁵ ²⁰⁶ ²⁰⁷ ²⁰⁸ ²⁰⁹ ²¹⁰ ²¹¹ ²¹² ²¹³ ²¹⁴ ²¹⁵ ²¹⁶ ²¹⁷ ²¹⁸ ²¹⁹ ²²⁰ ²²¹ ²²² ²²³ ²²⁴ ²²⁵ ²²⁶ ²²⁷ ²²⁸ ²²⁹ ²³⁰ ²³¹ ²³² ²³³ ²³⁴ ²³⁵ ²³⁶ ²³⁷ ²³⁸ ²³⁹ ²⁴⁰ ²⁴¹ ²⁴² ²⁴³ ²⁴⁴ ²⁴⁵ ²⁴⁶ ²⁴⁷ ²⁴⁸ ²⁴⁹ ²⁵⁰ ²⁵¹ ²⁵² ²⁵³ ²⁵⁴ ²⁵⁵ ²⁵⁶ ²⁵⁷ ²⁵⁸ ²⁵⁹ ²⁶⁰ ²⁶¹ ²⁶² ²⁶³ ²⁶⁴ ²⁶⁵ ²⁶⁶ ²⁶⁷ ²⁶⁸ ²⁶⁹ ²⁷⁰ ²⁷¹ ²⁷² ²⁷³ ²⁷⁴ ²⁷⁵ ²⁷⁶ ²⁷⁷ ²⁷⁸ ²⁷⁹ ²⁸⁰ ²⁸¹ ²⁸² ²⁸³ ²⁸⁴ ²⁸⁵ ²⁸⁶ ²⁸⁷ ²⁸⁸ ²⁸⁹ ²⁹⁰ ²⁹¹ ²⁹² ²⁹³ ²⁹⁴ ²⁹⁵ ²⁹⁶ ²⁹⁷ ²⁹⁸ ²⁹⁹ ³⁰⁰ ³⁰¹ ³⁰² ³⁰³ ³⁰⁴ ³⁰⁵ ³⁰⁶ ³⁰⁷ ³⁰⁸ ³⁰⁹ ³¹⁰ ³¹¹ ³¹² ³¹³ ³¹⁴ ³¹⁵ ³¹⁶ ³¹⁷ ³¹⁸ ³¹⁹ ³²⁰ ³²¹ ³²² ³²³ ³²⁴ ³²⁵ ³²⁶ ³²⁷ ³²⁸ ³²⁹ ³³⁰ ³³¹ ³³² ³³³ ³³⁴ ³³⁵ ³³⁶ ³³⁷ ³³⁸ ³³⁹ ³⁴⁰ ³⁴¹ ³⁴² ³⁴³ ³⁴⁴ ³⁴⁵ ³⁴⁶ ³⁴⁷ ³⁴⁸ ³⁴⁹ ³⁵⁰ ³⁵¹ ³⁵² ³⁵³ ³⁵⁴ ³⁵⁵ ³⁵⁶ ³⁵⁷ ³⁵⁸ ³⁵⁹ ³⁶⁰ ³⁶¹ ³⁶² ³⁶³ ³⁶⁴ ³⁶⁵ ³⁶⁶ ³⁶⁷ ³⁶⁸ ³⁶⁹ ³⁷⁰ ³⁷¹ ³⁷² ³⁷³ ³⁷⁴ ³⁷⁵ ³⁷⁶ ³⁷⁷ ³⁷⁸ ³⁷⁹ ³⁸⁰ ³⁸¹ ³⁸² ³⁸³ ³⁸⁴ ³⁸⁵ ³⁸⁶ ³⁸⁷ ³⁸⁸ ³⁸⁹ ³⁹⁰ ³⁹¹ ³⁹² ³⁹³ ³⁹⁴ ³⁹⁵ ³⁹⁶ ³⁹⁷ ³⁹⁸ ³⁹⁹ ⁴⁰⁰ ⁴⁰¹ ⁴⁰² ⁴⁰³ ⁴⁰⁴ ⁴⁰⁵ ⁴⁰⁶ ⁴⁰⁷ ⁴⁰⁸ ⁴⁰⁹ ⁴¹⁰ ⁴¹¹ ⁴¹² ⁴¹³ ⁴¹⁴ ⁴¹⁵ ⁴¹⁶ ⁴¹⁷ ⁴¹⁸ ⁴¹⁹ ⁴²⁰ ⁴²¹ ⁴²² ⁴²³ ⁴²⁴ ⁴²⁵ ⁴²⁶ ⁴²⁷ ⁴²⁸ ⁴²⁹ ⁴³⁰ ⁴³¹ ⁴³² ⁴³³ ⁴³⁴ ⁴³⁵ ⁴³⁶ ⁴³⁷ ⁴³⁸ ⁴³⁹ ⁴⁴⁰ ⁴⁴¹ ⁴⁴² ⁴⁴³ ⁴⁴⁴ ⁴⁴⁵ ⁴⁴⁶ ⁴⁴⁷ ⁴⁴⁸ ⁴⁴⁹ ⁴⁵⁰ ⁴⁵¹ ⁴⁵² ⁴⁵³ ⁴⁵⁴ ⁴⁵⁵ ⁴⁵⁶ ⁴⁵⁷ ⁴⁵⁸ ⁴⁵⁹ ⁴⁶⁰ ⁴⁶¹ ⁴⁶² ⁴⁶³ ⁴⁶⁴ ⁴⁶⁵ ⁴⁶⁶ ⁴

ROSENBERG
Last Name

KAY
First Name

B
Middle Initial

14 CHERRY RIDGE RD
Street Address

262-3464
Home Phone

Business Phone

1) ALTON-BOXBOROUGH ARTS COUNCIL

2) _____

3) _____

SOMERVILLE ARTS COUNCIL - 1986-1992

Do you have any time restrictions ? _____

How long have you lived in Acton? 10 months in Massachusetts? 19 yrs.

Are you a US citizen ? YES

Present occupation and employer (optional - attach resume) ARTIST,
SENIOR LECTURER - BRADFORD COLLEGE

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? 20

Education or special training see resume

KAY ROSENBERG

14 CHERRY RIDGE RD. ACTON, MA 01720

40 Concord St.
Malden, MA 02148
(617) 322-6499

508-263-3464

Studio - 6 Vernon St.
Somerville, MA 02145
(617) 628-5052

EDUCATION

SYRACUSE UNIVERSITY, Syracuse, NY
MFA, 1978

PHILADELPHIA COLLEGE OF ART, Philadelphia, PA
BFA, 1974

MARYMOUNT COLLEGE, Tarrytown, NY
Elementary and Secondary Certification in Art, 1974

GRANTS AND AWARDS

- 1987 Arts Lottery Grant, Massachusetts Arts Lottery Council
as administered by the Somerville Arts Council.
- Arts Lottery Grant, Massachusetts Arts Lottery Council
as administered by the Malden Arts Council.
- 1982 Arts Lottery Grant, Massachusetts Arts Lottery Council
as administered by the Somerville Arts Council.
- 1981 Finalist, Artists Fellowship Program, Massachusetts
Council on the Arts and Humanities as administered by
the Artists Foundation.
- 1978 Ford Foundation Grant, Syracuse University.

COLLECTIONS AND COMMISSIONS

Hyatt Hotel, Dulles Airport
Vista Hotel, Newark, NJ
Koala Inns Corporate Offices, Boston, MA
IBM, Burlington, VT
The Boston Company, Boston, MA
Peabody & Arnold, Boston, MA
Standish, Ayer & Wood, Inc., Boston, MA
Mr. & Mrs. David Nassif, Wellesley, MA
Mr. & Mrs. Laurence Locke, Boston, MA
Dr. & Mrs. Fritz Haines, North Attleborough, MA
Mr. & Mrs. David Norton, Concord, MA
Mr. & Mrs. Ross Benjamin, Newton, MA
Mr. & Mrs. Samuel D. Constan, Dayton, OH
Dr. Janet Bancroft, Vienna, Austria

PROFESSIONAL AFFILIATIONS

Boston Seven - 1983-1989
Somerville Arts Council 1986-1992
Vernon Street Studios 1980-1992

TEACHING EXPERIENCE

- 1979-
present Fibers Instructor, Bradford College, Bradford, MA
 SENIOR LECTURER
- 1984 Weaving Instructor, Massachusetts College of Art,
 Boston, MA
- 1981-82 Fibers Instructor, Endicott College, Beverly, MA
- 1979-80 Art Teacher, Western Junior High School, Somerville, MA
- 1979 Drawing Instructor, Group School, Cambridge, MA
- 1978 Sculptural Papermaking Instructor, Cambridge Center for
 Adult Education, Cambridge, MA

ADMINISTRATIVE EXPERIENCE

- 1988-91
~~present~~ Exhibition Committee, Somerville Arts Council,
 Somerville, MA
- 1987-88 Publicity Committee, Somerville Arts Council,
 Somerville, MA
- 1985-86 Coordinator, Vernon Street Open Studios, Somerville, MA
- 1981-85 Gallery Director / Art Consultant, The Gallery at OUI,
 Boston, MA
- 1979-80 Publicity Coordinator, Somerville Artweek, sponsored by
 The Artists Foundation, Boston, MA
- Elected Member of Artists Advisory Council
 Council Representative to Board of Directors
 Program Committee Member
 Fiber Arts Center Inc., Newton MA
- Jury and Applications Coordinator, "Fiber, Fabric
 and Dyeworks", Boston City Hall Gallery, Boston, MA

8/10/93

(15)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

F. Dore' Hunter
Chairman

August 10, 1993

Ms. Doris M. Desautel, Regional Director
Office of Public Housing, Room 255
Thomas P. O'Neil Federal Building
10 Causeway Street
Boston, MA 02222-1092

Dear Ms. Desautel:

The Board of Selectmen, at their meeting of August 10, 1993, voted to approve the Acton Housing Authority's Section 8 Existing Housing Application to the Department of Housing and Urban Development.

Please be advised that the Housing Authority's submission is consistent with the Town's local Housing Assistance Plan and that this letter should be considered our final comment and no additional comments will be forthcoming.

Very truly yours,

F. Dore' Hunter
Chairman

224ACS
cc: Housing Authority

ACTON HOUSING AUTHORITY
68 WINDSOR AVENUE
ACTON, MA 01720
(508)263-5339

July 28, 1993

Dore' Hunter, Chairman
Board of Selectmen
Town Hall
Acton, MA 01720

Dear Dore':

The Board Members of the Acton Housing Authority have voted to submit an application to the Department of Housing and Urban Development for twenty-five (25) Section 8 Certificates or Vouchers.

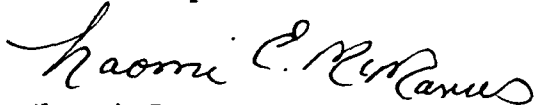
The Board asks that the Selectmen send a letter of support for the Authority's application. The Selectmen's letter should state their support of the Authority's application, that it is consistent with the Town's local Housing Assistance Plan and the Selectmen's letter should be considered their final comment and that no additional comments will be forthcoming. (see copy of Selectmen's letter for 92)

Please submit your letter no later than August
23, 1993 to:

Doris M. Desautel, Regional Director
Office of Public Housing, Room 255
Thomas P. O'Neill Federal Building
10 Causeway Street
Boston, MA 02222-1092

Thank you in advance for your continued support and commitment in the Authority's housing efforts.

Sincerely,



Naomi E. McManus
Executive Director

**Application for
Existing Housing**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Attachment 1

Section 8 Housing Assistance Payments Program

Send the original and two copies of this application form and attachments to the local HUD Field Office

OMB Approval No. 2577-0169 (exp. 9/30/95)

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2577-0169), Washington, D.C. 20503. Do not send the completed form to either of these addresses.

Name of the Public Housing Agency (PHA) requesting housing assistance payments:

Application/Project No. (HUD use only)

ACTON HOUSING AUTHORITY

Mailing Address of the PHA

P.O. Box 681

ACTON, MA 01720

Requested housing assistance payments are for:
How many Certificates? How many Vouchers?

25 Certificates or Vouchers

Signature of PHA Officer authorized to sign this application

Barbara Yates
 Have you submitted prior applications: No Yes
 ... for Section 8 Certificates? ☐ ☐
 ... for Section 8 Housing Vouchers? ☐ ☐

Title of PHA Officer authorized to sign this application

Barbara Yates / Chairman

Phone Number

508-263-5339

Date of Application

7/26/93

Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts)

68 Windsor Ave.
Acton, MA 01720**A. Primary Area(s) from which families to be assisted will be drawn.**

Locality (city, town, etc.)	County	Congressional District	Units
Acton/Boxboro - Metropolitan	Middlesex	Fifth	23

B. Proposed Assisted Dwelling Units

Housing Program	Number of Dwelling Units by Bedroom Count								Total Dwelling Units
	Elderly, Handicapped, Disabled Efficiency	1-BR	2-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6-BR
Certificates either/or Housing Vouchers	5				13	5	2		

C. Need for Housing Assistance. Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan including the goals for meeting the housing needs of Lower-Income Families or, in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped and disabled, large families and those displaced or to be displaced) residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

SEE ATTACHED ADDENDUM

D. Qualification as a Public Housing Agency. Demonstrate that the applicant qualifies as a Public Housing Agency and is legally qualified and authorized to carry out the project applied for in this application. (check "x" the appropriate boxes)	Submitted with this application	Previously submitted
1. The relevant enabling legislation		X
2. Any rules and regulations adopted or to be adopted by the agency to govern its operations		X
3. A supporting opinion from the Public Housing Agency Counsel		X

 Retain this record for the term of the ACC.
 Previous editions are obsolete

page 1 of 2

 form HUD-62518 (7/88)
 ref. handbook 7420.3

E. Financial and Administrative Capability. Describe the experience of the PHA in administering housing or other programs and provide other information which evidences present or potential management capability for the proposed program.

SEE ATTACHED ADDENDUM

F. Housing Quality Standards. Provide a statement that the Housing Quality Standards to be used in the operation of the program will be as set forth in the program regulation or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

The Acton Housing Authority will adhere to the Housing Quality Standards in the operation of this program as set forth in the 24CFR 882.109 and/or 24CFR 887.251 or that variation in the acceptability criteria are proposed or have been approved by the field office. In the later case each proposed variation shall be specified and justified.

G. Leasing Schedule. Provide a proposed schedule specifying the number of units to be leased by the end of each three-month period.

FIRST QUARTER	8
SECOND QUARTER	8
THIRD QUARTER	8
FOURTH QUARTER	1

H. Average Monthly Adjusted Income (Housing Vouchers Only)						
Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6-BR
	392	430	540	592		

I. Attachments. The following additional items must be submitted either with the application or after application approval, but no later than with the PHA executed ACC.

	Submitted with this application	To be submitted	Previously submitted
1. Equal Opportunity Housing Plan			X
2. Equal Opportunity Certifications, Form HUD-916			
3. Estimates of Required Annual Contributions, forms HUD-52672 and HUD-52673		X	
4. Administrative Plan			X
5. Proposed Schedule of Allowances for Utilities and Other Services, form HUD-52667, with a justification of the amounts proposed			X

HUD Field Office Recommendations

Recommendation of Appropriate Reviewing Office	Signature and Title	Date

ACTON HOUSING AUTHORITY
P.O. BOX 681
ACTON, MA. 01720
(508) 263-5339
TDD #-1-800-5451833 EXT.120

August 16, 1992

Ms. Doris Desautel
Regional Director
Office of Public Housing, Room 255
U. S. Department of Housing and Urban Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Ma. 02222-1092

Dear Ms. Desautel:

Enclosed please find the Acton Housing Authority's Section 8 Existing Housing Application for twenty-five (25) Section 8 Rental Certificates and/ or Vouchers. Please note that the Acton Housing Authority is willing to accept less than our full request. As outlined in the July 8, 1993 NOFA the following information is provided.

- 1). The Acton Housing Authority's completed HUD 52515 Application form requesting 25 Section 8 Certificates and or Vouchers. Attached to the application please note Addendum A, B and C.
- 2). The Acton Housing Authority's Certification of a Drug Free Workplace.
- 3). The Acton Housing Authority's Anti-Lobby Certification and Disclosure Statement.
- 4). The Acton Housing Authority's Certification Regarding Single Audit.
- 5). The Standard Form LLL, Disclosure of Lobbying Activities.
- 6). The Acton Housing Authority's Certification that the Authority will comply with Title VI of The Civil Rights Acts of 1964 and Title VII of the Civil Rights Acts of 1968.

- 7). The Acton Housing Authority's letter to HUD stating the Authority's compliance with 504 regulations.
- 8). The Acton Selectmen's letter supporting the Acton Housing Authority's Section 8 Application stating the submission is consistent with the Town's Local Housing Plan and that the letter should be considered their final comment.
- 9). A copy of the Acton Housing Authority's executed amendment certifying that the Authority will comply with all such amendatory contract provisions required by the June 23, 1989 Declaratory Judgement and Final Decree issued by the U.S. District Court in NAACP v. Kemp, Civil Action No. 78-850-S D. Mass.)
- 10). A narrative explanation and supporting documentation that the Acton Housing Authority's application meets the selection criteria/rating factors of 77 points as outlined in the NOFA for Rental Vouchers and Rental Certificate Program.

As your staff reviews our application please note that for the past six (6) years the Authority has had our own Single Parent Program, a LOCAL Self-Sufficiency Program, which currently serves ninety-nine households. In the absence of HUD funding our last two application requests, the Board Members voted to designate four (4) of our own Section 8 Certificates as Family Self Sufficiency (FSS) Certificates. All four FSS Certificates are under lease with signed FSS Contracts of Participation. These families have begun their climb to empowerment, independence and eventual self-sufficiency.

Acton's FSS Action Plan written a year ago by our fourteen member Program Coordinating Committee (PCC) details Acton's selection process for prospective FSS Certificate Holders. The PCC members share a philosophy that current Section 8 Certificate Holders have a higher rate of success in the FSS Program due to their stable housing. Once housed our clients are less likely to function in constant crisis mode. They begin to feel empowered which contributes to their success in meeting their objectives and goals for independence and their eventual self-sufficiency. Our current part-time FSS/Support Services Coordinator's position will be expanded to include the additional coordination of support services for the new Certificates awarded.

HUD's positive review of our proposal and award of additional Certificate or Vouchers will enable the Authority to designate an equivalent number of our own Section 8 Certificates, currently under lease and on our FSS Waiting List, to our FSS Program. The new Certificates will then be issued to eligible Waiting List applicants with priority given to those having a Federal Preference.

Please contact this office directly should additional material be required or if there are any questions regarding the enclosed application and supportive documentation.

Thank you in advance for your review and consideration of our Section 8 Certificate and/or Voucher application. The Acton Housing Authority is looking forward to your favorable ranking as this agency struggles to end the continuing cycle of poverty.

Sincerely,

Naomi E. McManus
Executive Director

8/10/93 (16)

JUL 20 1993

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

For Aug 10
consent

July 20, 1993

TO: Board of Selectmen
FROM: Tom Tidman, Conservation Administrator
SUBJECT: Idylwilde Farms Donation

Idylwilde Farms has generously donated five cubic yards of bark mulch to be used in and around the butterfly garden at the Arboretum.

The Friends of the Acton Arboretum ask that the Selectmen accept this donation, with an estimated value of \$120.00.

TT:ahm

TOWN OF ACTON

8/10/93 (17)

Inter-Departmental Communication

DATE: July 23, 1993

TO: Don P. Johnson, Town Manager
FROM: Fire Chief
SUBJECT: Fire Permit - A/B Football Boosters

Don:

Once again, I have been contacted by the A/B Football Boosters in order that they might secure permission for a Thanksgiving Bonfire on the night of November 24th this year. Although a bonfire was not held last year due to the inclement weather, this group has had several other similar type of events with no problem.

I would recommend approval of this application and request that you forward this information to the Board of Selectmen. Upon approval, I will notify the applicants and make any arrangements necessary.


Robert C. Craig
Fire Chief

BOS CONSENT AGENDA AUG. 10

29 June 1993

Chief Craig
Acton Fire Dept.
Central St
Acton, Mass 01720

RE: Fire Permit - A/B Football Boosters

Dear Chief Craig;

I called your office this morning concerning the request for a permit to hold the Acton-Boxboro Football Thanksgiving Bonfire on the night of November 24th of this year. The assistant Chief suggested that I write this letter directly to you for this request.

Based on my recent conversations with both your department and the school, the A/B Football boosters is very aware of the difficulty that the cancellation of the event last year caused both your department and the school maintenance department let alone the concern for the public safety. I trust that you can understand that it was never the A/B Football Boosters intention to have had those issues arise.

In the desire to maintain this annual event for the town, the school and its football and cheer leading squads, I would like to propose the following contingency plans in the unlikely event that we were to have to cancel the event in the future.

1. We will , as we did last year, have the material put on the field not more than a couple days prior to the event.

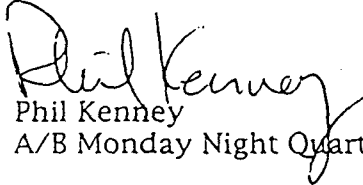
2. We will be responsible for the clean up. This was accomplished in previous years the Friday after Thanksgiving. It is our intention to do the same for this year.

3. If we have to cancel the event for weather reasons, the Boosters will ensure that the material will be taken from the field and that the field will be cleaned within one weeks time. Although I was not involved with the sequence of events from last year, I do know that the Boosters attempted to hold an alternative event and as timing would have it, any positive action was delayed until it was too late (i.e. the December snow covered the material). Be assured that if we do not hold the bonfire, there will be positive action to clear the material from the field.

I would be happy to discuss this further if you require. My home phone is 263-0017 and work is 1-436-3106. I will be out of town however until July 12th. I will try to contact you at that point.

Thank you in advance for your consideration in this matter.

Regards;

A handwritten signature in black ink, appearing to read "Phil Kenney". The signature is fluid and cursive, with the first name "Phil" and last name "Kenney" clearly distinguishable.

Phil Kenney
A/B Monday Night Quarterbacks

cc: Jack Schofield - ABHS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

8/10/93 (18)
JUL 23 1993

July 23, 1993

** Consent
Aug 10

TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director *DAC*
SUBJECT: Development of playfield at Great Hill Recreation Area

As you may recall, last week I sent you a copy of a memo to the Conservation Commission about Great Hill Recreation Area (copy attached).

At their meeting on July 21, the Conservation Commission voted unanimously to support the new proposal, which was in keeping with the original Master Plan for this area. If work within the wetlands buffer area is required, I will file with the Commission.

On July 22 I met with Mr. and Mrs. Coughlin of 40 School Street, who would be direct abutters to the new field. The Coughlins were not opposed to the plan, but naturally they had some questions about possible impacts to their land. I think that their concerns have been addressed, and I have promised them that I will keep them appraised of developments and plans, especially regarding fencing, drainage concerns, and screening, all of which appear to be understandable concerns that can be fairly easy to address.

Mr. Sweeney would like to begin work on the field in early September, so that we can get a start on grass in the fall. Other than some design and engineering, which will not be provided by the Town, we need only an approval from the Board of Selectmen to begin work.

I would greatly appreciate it if you could get this item before the Selectmen for their August meeting so that work can proceed. I would be happy to attend that meeting to explain the project if needed.

DAC/323/2

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

July 15, 1993

TO: Conservation Commission
FROM: Dean A. Charter, Municipal Properties Director
SUBJECT: Development of playfield at Great Hill Recreation Area

In the early 1970's the Town of Acton, using a combination of Town, State, and Federal funds, purchased the Great Hill Recreation Area, and developed a master plan (A-95 Submission) for the development of the area in conjunction with the Recreation Commission. Funding was obtained from the Division of Conservation Services for Phase One of the development, and the existing ballfield and parking area was created. In the mid 1980's the Town dredged a pond adjacent to the ballfield, which was determined to be a more appropriate location than the spot off Piper Road that was originally envisioned as a location for a skating pond. The entire master plan will probably take many years to implement, but we have looked at all possible opportunities to continue development of Great Hill as an active recreation area envisioned originally.

During the design process for the Mill Corner P.C.R.C, I suggested that the developer, Kevin Sweeney, be asked to donate construction services to create a field in a location that is both adjacent to Mill Corner and shown on the original master plan as the location for such a field. Mr. Sweeney agreed to this plan, and it was included in the decision.

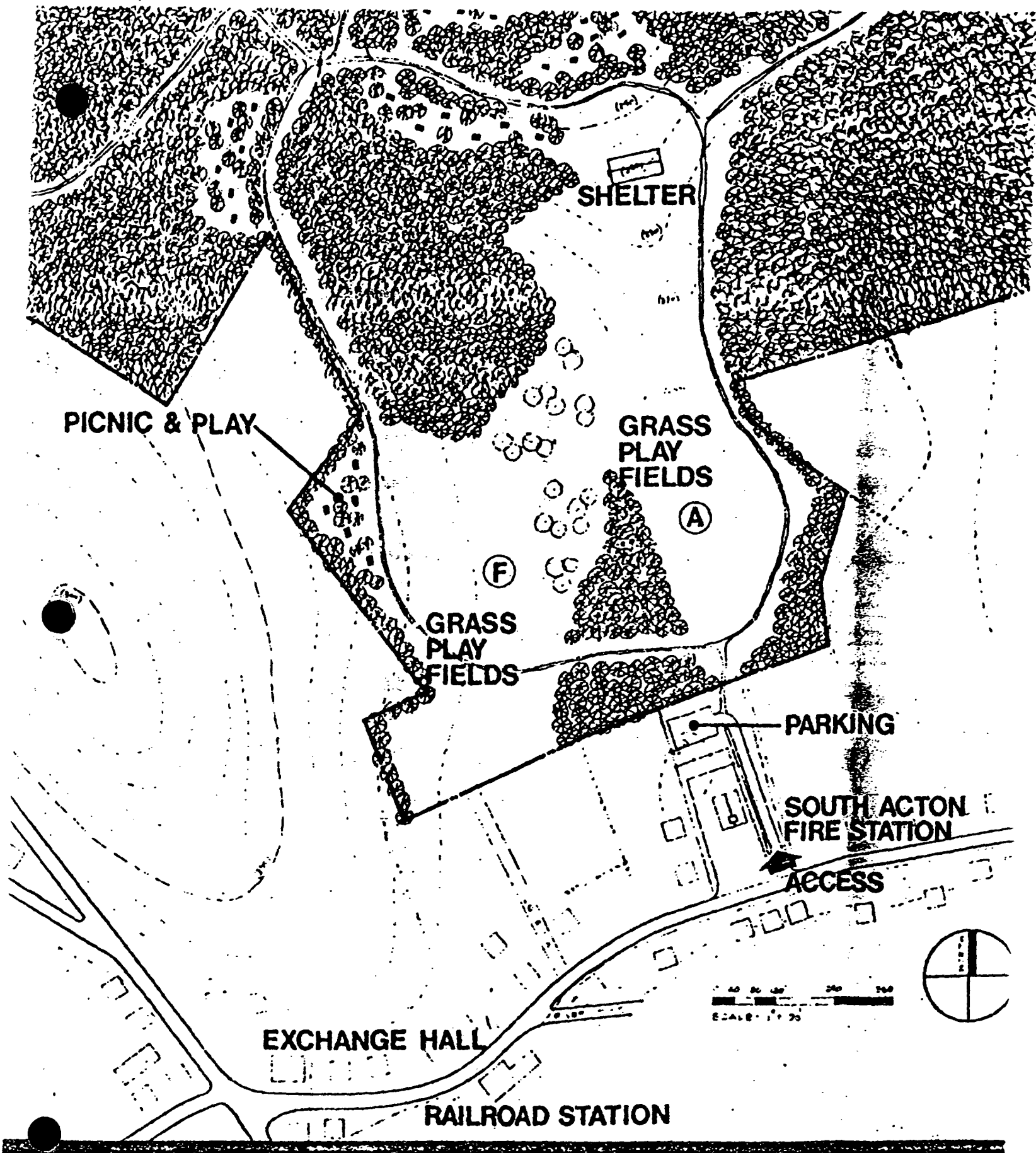
We are now ready, with the Commission's permission, to proceed with construction. I have walked the site with Tom Tidman and Kevin Sweeney, and have discussed the plan with the closest abutter, with whom I will be meeting later this week. If the Commission has no objection to proceeding, I will make a presentation to the Selectmen, and will file under the Wetlands Protection Act because some work will have to take place in the buffer area. If there are no stumbling blocks, construction will begin in the fall.

As the Commission is probably aware, there is a real shortage of active recreation areas in Acton, and we are far below the recommended ratio of acres of recreation areas to population as determined by the National Recreation and Park Association. This deficiency is noted in both the Acton Master Plan and the Open Space and Recreation Plan. We now have the opportunity to achieve one of our goals, fulfill a plan approved twenty years ago, and provide additional recreational opportunities to the public with a very minimal expenditure of scarce Town funds. I will be in to discuss this project in more detail on July 21, and have included various documents, including copies of some of the original plans, to familiarize you with the project.

Attach.

cc.:

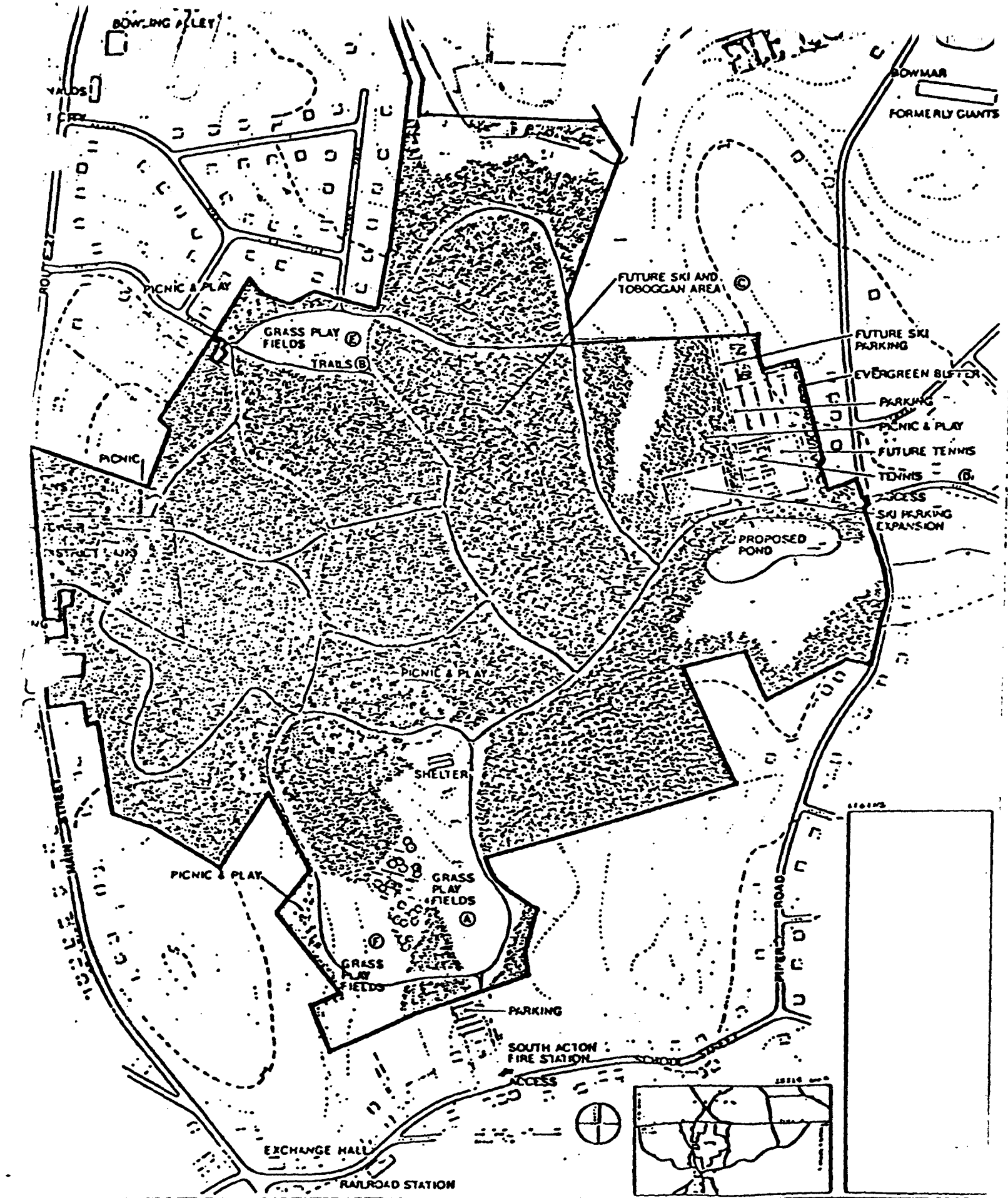
Recreation Commission
Town Manager
DAC/323



AT HILL RECREATION AREA ACTC

REATION COMMISSION

KALLSTROM / ANDERSON INC. LANDSCAPE ARCHITECT



GREAT HILL RECREATION AREA ACTON, MASSACHUSETTS

ACTON RECREATION COMMISSION

BALLSTEN/ANDERSON INC. LANDSCAPE ARCHITECTS, PLANNING & RECREATION CONSULTANTS BOSTON, MASS.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

December 31, 1992

TO: Roland Bartl, Town Planner
FROM: Dean A. Charter, Municipal Properties Director
SUBJECT: Off Site improvements at Mill Corner

Harry Donahue, acting on behalf of Kevin Sweeney, asked me to give some substance to my comments about possible off site improvements at Mill Corner, which I alluded to in item 4 of my review memo of November 3, 1992.

I recognize that the work I am proposing would have to be accepted by the Planning Board, Conservation Commission, and the Board of Selectmen, but let me outline my proposal.

There is an open, rough field immediately adjacent to the east side of the Mill Corner site. A portion of this field, which is part of the Great Hill Recreation Area, has been brush hogged from time to time by one of the abutters, John Coughlin, who was a little unclear as to the boundaries. I believe that the issue of boundaries has been cleared up, and I plan to work with our engineers to stake out the exact line. The original A-95 submittal for the Great Hill Recreation Area, which was the document that providing funding from the State Division of Conservation Services and the Federal Bureau of Outdoor Recreation showed that this field would eventually be used as a "Picnic and Playfield". Most Town resources have been used to develop and maintain the open play area immediately behind the parking area and the Fire Station, and the development of Mill Corner provides an opportunity to accomplish a little more of the original master plan for this site.

I propose that we ask the developer to regrade the portion of the field that is close to the old "pump chamber" shown on the plans. A narrow green belt of 10-20 feet should be left near the stone walls, and a 50 foot wide swath should be left which will divide the regraded area from the Coughlin boundary line. The regraded area should be approximately 150' by 125', and thus will be a little less than a half acre in size. This field should be graded and seeded with the idea in mind that it should be smooth enough to be cut with conventional mowing equipment, and flat enough to accommodate "pick-up soccer games". There should be a break made in the wall to create an access from this field to the proposed land donation from Mill Corner, and the roadway that connects the new field with the field behind the Fire Station should be regraded to allow access by mowing equipment.

The new field will be used for informal games and picnics, and will not be scheduled for league use, which tends to occupy most of the other large open areas in Town. The idea of creating a field that would specifically not be used for league events is addressed as a Second Priority Project in the Five Year Action Plan of the Open Space and Recreation Plan. The Master Plan specifically mentions improving access to recreation lands (Action 121), and balancing organized and non-organized use of recreation areas (Action 126). Finally, as noted above, the development of this area for picnic and play was incorporated in the original development plan for the Great Hill Recreation Area.

cc.: Town Manager
Conservation Commission
DAC/Harry Donahue

- 2.34 Where the Landscape Plan shows "existing trees to remain" the Plan shall also specify that such trees shall be replaced with new plantings if so directed by the Acton Tree Warden during his inspection of the final landscaping. The Tree Warden may make this determination if he finds that the existing trees have been damaged or weakened due to construction activity or otherwise.
- 2.35 Show on the Plan all modifications, changes and additions required in the Definitive Subdivision Approval dated 9/21/92, except as otherwise stated herein.
- 2.36 Provide to the Board a written statement from each utility company stating approval of the layout of utility service lines.

3 CONDITIONS

The following conditions of this permit shall be strictly adhered to. Failure to adhere to these conditions shall render the approval of this PCRC Special Permit null and void and without force or effect:

- 3.1 House styles shall be mixed and dispersed throughout the Site as much as possible. Variations from the house style distribution shall be kept at a minimum. At least 2 houses of each style shown in the application shall be represented in the finished development. Changes from the house styles and exterior options shown on the Plan shall be consistent with the overall design approach presented in the Plan.
- 3.2 For work to complete or modify the detention basin a notice of intent shall be filed with the Conservation Commission.
- 3.3 The Applicant shall apply to the Board of Health for a permit for the sewer collection system installation.
- 3.4 No wood frame construction shall be commenced before the binder course, water mains and fire hydrants are installed and approved on Nylander Way and Abel Jones Place. Adequate emergency access shall be maintained at all times during construction.
- 3.5 All erosion and silt prevention devices shall be maintained in excellent working order until the Site in the opinion of the Engineering Administrator has been stabilized through permanent perennial vegetation.
- 3.6 All outdoor lighting shall be operated and maintained privately.
- 3.7 The emergency access easement to and over the land owned by the Children's Discovery Museum, containing essentially the same language as the easement agreement approved hereunder, shall be executed and recorded prior to the issuance of a building permit, unless the museum objects in principle to the easement or to its terms or to the timing, and the Applicant and the Town are unable to resolve such a situation.
- 3.8 The Applicant shall perform improvements on the Great Hill Recreation Area more or less as outlined by the Municipal Properties Director in his IDC to the



Town Planner, dated 12/31/92, subject to the approval of the Acton Board of Selectmen. These improvements shall be made concurrently with development work in the Mill Corner project. Details of such work shall be arranged with the Municipal Properties Director.

- 3.9 Plowing and maintenance of Abel Jones Place shall not be the responsibility of the Town of Acton. Abel Jones Place shall not become a public way nor shall any petition be filed for acceptance of Abel Jones Place as a public way.
- 3.10 The responsibility for plowing and maintenance of Nylander Way shall be that of the Applicant or his designee or assign until such time as Nylander Way may be accepted by the Town of Acton as a public way. Following acceptance of Nylander Way, the Town's maintenance responsibilities will follow standard procedures for Town streets and ways and shall be limited to the improvements located within the layout of Nylander Way and to any improvements associated with the drainage of Nylander Way located within designated utility easements. Any private utilities and services located within or outside Nylander Way or said easements and any private drainage facilities feeding into drainage structures associated with Nylander Way shall not be the responsibility of the Town.
- 3.11 Reserve Parcel 2C to be conveyed to the Town of Acton following a vote of acceptance by Town Meeting. If not accepted by Town Meeting, ownership and use of Parcel 2C shall be consistent with the Bylaw, Sections 9.6.3.2 and 9.6.3.3.
- 3.12 As offered by the Applicant, the Applicant shall donate to the Town of Acton \$300,000.00. The primary purpose of this donation shall be to assist in the construction of a sewer system serving South Acton Village. Beyond this primary objective, the purpose of this donation shall be as stated by the Applicant in his 1/25/93 letter to the Board, and it shall be paid to the Town in accordance with the time schedule outlined in said letter. This donation shall be subject to acceptance by the Board of Selectmen and to any changes or modifications that may be requested by the Board of Selectmen, and agreed to by the Applicant, concerning its timing and form.
- 3.13 If the Board of Selectmen should choose not to accept said gift or has not accepted said gift by June 30, 1993, the Applicant shall provide on the Site four affordable housing units as specified below.
- 3.14 In the event that affordable housing units are provided, each such unit shall have a maximum initial sales price of \$94,500.00. The affordable units shall be units # 2, 5, 8 and 11, and the house styles to be affordable shall be one each of the following: Robert Chaffin, Dr. John Law, Abel Forbush, Charles Robbins Sr. Each such unit shall be constructed, marketed and restricted in accordance with the requirements of the Bylaw, Sections 4.4.5, 4.4.6 and 4.4.8 including all subsections, and said units shall qualify under the State of Massachusetts Local Initiative Program. If consistent with the necessary qualifications for Local Initiative units, the first preference for the affordable units may be given to full-time employees of the Town of Acton. Unless the Applicant and the ACHC agree on different terms, the following shall apply: In the event that qualified buyers for the affordable units, as defined in the Bylaw, cannot be

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

8/10/93
19

DATE: AUGUST 2, 1993

TO: POLICE CHIEF

FROM: TOWN MANAGER'S OFFICE

SUBJECT: Center Congregational Church
1993 Antique Show

We are in receipt of the annual permit application for the subject event. A copy is attached for your review and comment.

Please advise whether you have any concerns that should be addressed when the Selectmen consider this request. I plan to schedule this on the August 10th 8 Agenda if you don't foresee any problems.

CHIEF FEELS COMFORTABLE TO PROCEED THE SAME WAY AS LAST YEAR - NO PROBLEMS WERE EXPERIENCED AND HE EXPECTS NO PROBLEMS THIS YEAR.

8/9/93



TOWN OF ACTON
MASSACHUSETTS

FOR TOWN USE ONLY

License or Permit Application

8-1-1993

To the Licensing Authorities of Acton:

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto:

CHECK THE APPROPRIATE BOX INDICATING THE LICENSE OR PERMIT FOR WHICH APPLICATION IS BEING MADE:

☐ Auction ☐ Entertainment ☐ Flea Market ☐ One-Day Liquor ☐ One-Day Beer and Wine

(Please print or type)

☒ Other Antique Show - 30th annual event

Name of Organization/Applicant Service League of Acton Center Congregational Church

Location of Event Acton Center Congregational Church

Name of Owner of Premises Trustees of the church

DESCRIPTION OF EVENT (i.e.; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.):

\$3.00 donation at door - independent antique dealer booths
Purpose to raise money for septic system for pastor's house,
interior decoration of Hartman Hall and other church projects in
need of funding. Parking around church, in back of fire
station church provided parking attendants will monitor parking. We'll
have off-site parking with shuttle bus for them as well as traffic control
Day and Date of Event: 10-15 and 10-16 Hours of Event: 10-8 + 10-3 respectively

DESCRIPTION OF APPLICANT

Name of person making application Sandra Latta

Occupation Antique show co-chair person

Residential Address 16 Woodridge Ln. Westford, MA 01886

Business Address —

Telephone: Home 508-692-5234 Business —

Date of naturalization, if not born in U.S. born in U.S.

Have you ever been arrested for

any law violation? No

Male or Female — If so, when —

Date of birth — where —

Place of birth — State briefly —

Father's name —

Mother's maiden name —

References: (Names and addresses) Acton

1. Susan Allen, 10 Balsam Dr., 263-6195

2. Glynda Smith, 9 Patriots Rd., 263-8446 Acton

3. Sandy Givens, 8 Coolidge Dr., Acton 262-3216

Remarks: —

Hair —

Eyes —

Signature of Applicant —

8/10/93
20

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: July 27, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GA*
SUBJECT: Site Development Plan #1/16/73-57 10 Spruce St.

I have reviewed Acton Survey & Engineering's request, on behalf of Nick Bottos, to amend the existing site plan decision. They are proposing to add a 442 square foot addition to the existing building to be used in a manner that would allow operating during freezing weather.

I have discussed this with the Health, Planning, Engineering, and Conservation Departments. The only issue that is a concern is parking lot runoff that is entering Spruce Street. I have spoken with Acton Survey & Engineering and it is our suggestion that the entrance be over laid a minimum of 20 feet from the property line. The runoff is to be directed to the two recently rebuilt catch basins. To ensure proper placement of the pavement the work should be overseen by Acton Survey & Engineering. It is my further suggestion that if this does not work that the area be excavated and slotted drains be installed.

The decision has a condition that reads as follows " 5. That there shall be no further subdivision or development of the site." It is my opinion that the decision can be modified in order for this addition to be added. The Board must decide if they want to hold a public hearing. If the Board decides that they do not want a hearing I have prepared an amended decision for their review.

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Amendment of the Decision of the Board of Selectmen on the Petition of Nick Bottos for the property located at 10 Spruce Street. Said property is shown on Acton Town Atlas map F2A, parcel 92.

This Decision is in response to an application submitted to the Board on July 12, 1993 to amend the existing Site Plan Special Permit.

The Board exercises its powers to amend this permit without a new public hearing in that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and the terms of the permit.

Submitted for the Boards' deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

Letter to the Board of Selectmen dated July 12, 1993 from Acton Survey and Engineering.

Exhibit II

A plot plan of land in Acton, Massachusetts prepared for Nick Bottos dated July 12, 1993.

Exhibit III

IDC from the Building Commissioner to the Town Manager.

Based upon its review of the exhibits and the record of the proceedings, the Board found and concludes that:

1. The Site Plan Special Permit #1/16/73-57 remains in full force and effect with this Amendment affecting only those issues that are hereinafter listed.
2. The Decision is herein modified to allow the proposed weather enclosure of 442 square feet.
3. The access driveway shall be repaved so as to prevent surface water from leaving the site and entering Spruce Street. The work is to be overseen by Acton Survey & Engineering. If the proposed repaving does not prevent the runoff from entering Spruce Street the Board reserves the right to order the installation of slotted drains one year after the repaving of the entrance.

The Board of Selectmen voted to GRANT the requested Site Plan Special Permit Amendment.

Amendment
Site Plan Special Permit #1/16/73-57
Car Wash
10 Spruce Street

Page 2 of 2

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Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of 1993.

F. Dore' Hunter, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

Christine Joyce
Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of the Car Wash has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering
Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stow, Sudbury

ACTON SURVEY & ENGINEERING, INC.

JOHN E. DUNPHY, JR., President

O

P.O. BOX 666 • ACTON, MASS. 01720

July 12, 1993

Acton Board of Selectmen
Acton Town Hall
472 Main Street
Acton, MA 01720

Re: Site Development Plan 1/16/73-57
10 Spruce Street, Acton --- Carwash

Dear Board Members;

On behalf of our client, Nick Bottas of Acton, we hereby request a modification of Site Development Plan #1/16/73-57 (copy attached) to allow an "attached weather enclosure" on the rear of the existing building, at the wash bay, as shown on the attached sketch plan of the facility.

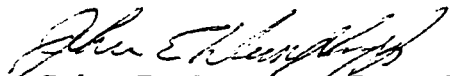
Mr. Bottas purchased the facility in the late fall/early winter of 1992 as a companion business to his "New London Pizza" store located at #11 Spruce Street. He has attempted to upgrade the carwash equipment and operation since that time and did encounter very unique operational problems during many of the cold, winter, days.

On these cold days, which are prime operating days for this type of business, he was unable to operate the car wash due to ice crystals in the washing cloths. The cars were being cleaned, but the customers were irritated that the cleaning was to bare metal. The proposed enclosure would allow a larger heated areato prevent freezing of the washing equipment as well as more humane working conditions for the "prep" person.

Thank you for your consideration in this matter.

Very truly yours,

ACTON SURVEY & ENGINEERING, INC.



John E. Dunphy, Jr., President

JED:m

File No. 2692

Office: 277 Central Street, West Acton (508) 263-3666

John F. Murphy



TOWN OF ACTON
TOWN HALL
P. O. BOX 236
ACTON, MASSACHUSETTS 01720
TELEPHONE (617) 263-2761

BOARD OF SELECTMEN
ALFRED F. STEINHAEUER, CHAIRMAN
WILLIAM C. SAWYER, VICE CHAIRMAN
PAUL R. NYQUIST, CLERK
PAUL H. LESURE
STEPHEN G. LEWIS

April 12, 1973

Mr. Joel P. Davidson
9 Blackhorse Drive
Acton, Massachusetts 01720

Dear Mr. Davidson:

Under the provisions of Section V, Subsection D of the Protective Zoning Bylaw of the Town of Acton, the Board of Selectmen, on April 10, 1973, voted to approve site development plan, submitted by Joel P. Davidson on January 16, 1973 as shown on: (1) Compiled Land in Acton, Massachusetts owned by Manning Realty Trust by Acton Survey & Engineering, Inc., 277 Central Street, Acton, Massachusetts, dated July 22, 1968, (2) Site Locus Map of the Town of Acton, (3) Perspective, 2 Bay Side Robo-Wash, Inc., drawing No. 401-000011, and (4) Site Development Plan of Land in Acton, Massachusetts for Enthusiasm, Incorporated, 9 Blackhorse Drive, Acton, Massachusetts by Acton Survey & Engineering, Inc., 277 Central Street, Acton, Massachusetts, dated January 8, 1973 and designated as site development plan #1/16/73-57, subject to the following conditions:

1. That the applicant submit to the Board a revised plan of the roof with a plain fascia in lieu of the proposed decorated fascia, acceptable to the Board of Selectmen.

2. That the applicant construct a 6' high stockade fence across the front of the lot, a distance of 170' from the northerly corner 3' back from the front lot line and that the area in front of the fence be grassed and landscaped in accordance with a plan to be submitted to and approved by the Board of Selectmen prior to the issuance of an occupancy permit; and that the grassed and landscaped areas be properly maintained.
3. That the interior of the proposed building be redesigned to include toilet facilities.
4. That prior to the issuance of a building permit, the applicant furnish the town with a plot plan consolidating the two lots shown on the plan submitted to the Board and that such plan be recorded in the appropriate Registry of Deeds.
5. That there shall be no further subdivision or development of the site.
6. That no approval of any indicated sign or advertising device is implied.
7. That the condition of this site plan approval shall be carried into effect and completed by the applicant by April 10, 1974.
8. All buildings or structures must be built in compliance with the applicable provisions of the Protective Zoning Bylaws of the Town of Acton. This decision does not indicate, nor does it imply, that the development or

April 12, 1973

construction as shown on the related site development
plan comply with such provisions of the Protective
Zoning Bylaw.

Very truly yours,

BOARD OF SELECTMEN

by:

Alfred F. Steinhauer
Alfred F. Steinhauer
Chairman

WCS/rpb

cc: Town Clerk
Building Inspector
Town Engineer
Board of Health
Planning Board
Board of Assessors
Fire Chief
John E. Dunphy, Jr. ✓

8/10/93
(21)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 25, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

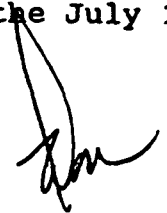
SUBJECT: Digital Equipment Corp., Piper Road

I have been contacted by a Digital representative to officially notify the Town that they are pulling out of their Piper Road facility and plan to sell to property.

They have apparently been actively marketing this location for quite some time and find that there are few, if any, potential purchasers that fit within our current zoning ("Office Park"). The interest is coming from the retail community and they have indicated that they are talking to the "big" commercial players ... without being specific. Retail is not permitted in this district.

There is much more to be said about the issues that are involved but the long and short of it is that they would like the Town to consider rezoning to allow retail uses. They also indicate that they do not wish to engage in a battle over this and would probably focus away from retail if the Town opposed. I promised to put the question in front of you to get a sense of how you feel.

I plan to seek your input and guidance at the July 13 meeting.



cc: BOS - FYI

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: June 29, 1993
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Rt.2 Rezoning

Selectman Anne Fanton yesterday asked me to discuss with the Planning Board the possibilities of rezoning the vacant DEC facility to a retail commercial district as has apparently been proposed by some parties having marketing and/or development interests there.

The Planning Board, citing among other things Rt.2 traffic management problems and master plan objectives, voted in a straw vote against such a rezoning proposal.

The parcels owned by DEC are currently zoned OP-2, an office park district allowing a maximum floor area ratio (FAR) of 0.20. Allowed principal business and industrial uses are Professional Offices, Financial and Light Manufacturing, and by special permit Hotel/Motel, Commercial & Trade School and Parking Facility. Residential uses are not permitted except under a PUD option. For a PUD option some creative land assembly would have take place since the DEC parcels by themselves do not make up the required 15 acres of contiguous land to support a PUD. The OP-2 district extends along Rt.2 from Piper Road to Hosmer Street and includes the vacant DEC facility, the Data Instruments building and the Concord Auto Auction site.


I also note that a rezoning of the DEC parcel by itself may not be possible without being regarded as spot zoning unless, of course, the Town has good and sound planning reason to do so. To steer clear from a spot zoning challenge, the entire OP-2 district would have to be changed.

[RHB.IDC.93*24]

8/10/93 #22

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/6/93

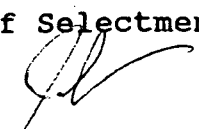
TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: Staffing Levels

There are a number (8) departments in Town Hall with 3 or less personnel, and many of these departments are required to complete field work or investigations. Therefore due to vacations, illness, injury and maternity leave, there have been numerous times this summer when an office has been temporarily unoccupied during normal working hours. I foresee this condition continuing through out the fiscal year, and I also suspect that the Family Leave Act will impact these departments. Consequently, I seek some general suggestions/direction from the Board as to the means of minimizing the impact on the citizenry.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

INFORMATION RELEASE

DATE: 8/3/93

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: The Highway Superintendent's Vehicle

The superintendent's vehicle engine seized last Friday (the vehicle had a sufficient amount of oil at the time of seizure). The car is currently operational, but when we drained the oil, we found numerous metal grindings. The grindings indicate that the engine components are beginning to fail (rebuilt engine cost is approximately \$4,000). As you may recall the superintendent's vehicle would have been replaced if an override had been approved. In addition to the engine, the transmission is bucking heavily. Therefore, I suspect that the vehicle will not survive the year. It is our plan to run the vehicle until it dies and forego any trade-in value. No action is required of the Board at this time.

BOS
cc 1st pg only
File entire pkg

ROPES & GRAY
ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-2624

30 KENNEDY PLAZA
PROVIDENCE, R. I. 02903
(401) 455-4400
TELECOPIER: (401) 455-4401

(617) 951-7000
TELECOPIER: (617) 951-7050
Writer's Direct Dial Number: (617) 951-7219

1001 PENNSYLVANIA AVENUE, N. W.
SUITE 1200 SOUTH
WASHINGTON, D. C. 20004
(202) 626-3900
TELECOPIER: (202) 626-3961

August 2, 1993

AUG - 4 1993

BY HAND

Mr. Kenneth A. Marchurs
Deputy State Auditor
Division of Local Mandates
100 Nashua Street, Room 1010
Boston, MA 02114


Re: Acton-Boxborough Regional School District

Dear Ken:

At Henry Hall's suggestion, I am forwarding to you a request for determination of local mandate by the Towns of Acton and Boxborough. The materials were delayed in getting to you as we were awaiting the passage of Chapter 71 of the Acts of 1993, which, as you know, has extended the protections against mandates to regional school districts.

Thank you for your assistance on this matter.

Very truly yours,


John E. McElhinney

JEM/: JEM82MAR.AB
Enclosure

cc: Mr. William Ryan
~~Board of Selectmen~~
~~Town of Acton~~
Board of Selectmen
Town of Boxborough
Mr. Mark Paré
Mr. James R. Fuller
Ms. Ann Bingham, Esq.
Henry L. Hall, Jr., Esq.



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED

DATE 8/3/93

Christopher Belkin
TOWN CLERK, ACTON

Selectmen
Balme in RF

#93-13

AUG - 4 1993

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Tuesday,

September 7, 19 93, at 7:30P.M. in the TOWN HALL, Rm. 126

on the following petition:

by Martin and Margita Chudik, 150 Willow Street, Acton, MA,
for a PETITION FOR A VARIANCE from the requirements of
section 5.2.5 of the Zoning Bylaw, to allow the construction
of a deck attached to the rear of the house at 150 Willow
Street, Map G1/Parcel 288, within the setback guidelines.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Duncan Wood

Clerk

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: August 5, 1993

TO: Don P. Johnson, Town Manager
FROM: Garry Rhodes, Building Commissioner *LR*
SUBJECT: Variance Request
Nagog Development Co., 31 Nagog Park

I would like to bring to your attention Kirk Ware's request for a variance at 31 Nagog Park. The Board of Selectmen granted a Site Plan Special Permit for this site in 1988 for a building with a net floor area of 49,300 square feet. The Board granted a SPSP extension in 1990 for 2 years which expired July, 1992.

Due to recent zoning changes, and the fact that it is owned in common with adjoining properties, it has merged with those adjoining properties. The outfall of this merge is that it is no longer buildable.

It should be noted that the property is vacant and encompasses 4.4 acres. The Board of Assessors has a value on this property of \$ 446,000, with a tax bill of \$4,127 per year.



MASSACHUSETTS

BOARD OF APPEALS

RECEIVED & FILED

8/3/93

Catherine Belbin
TOWN CLERK, ACTON

Selectmen
Balance
RF

#93-14 AUG - 4 1933

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Tuesday,

September 7, 19 93 , at 7:45 P.M. in the TOWN HALL, Rm. 126

on the following petition:

by Nagog Development Co., Kirk Ware Mgr., 1 Nagog Park,
Acton, MA, for a PETITION FOR A VARIANCE from the requirements
of all sections which are affected by the doctrine of merger
of the Zoning Bylaw, to allow 7-3 of the Assessor's Plan B4
to be treated as a separate, independent lot for zoning
purposes irrespective of the ownership of the adjoining lots.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

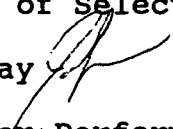
By

Duncan Wood

Clerk

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/3/93

TO: The Board of Selectmen
FROM: John Murray 
SUBJECT: Mill Corner Performance Bond

I spoke with Stan Gordon today, and the time limit will be extended for a second time. The Board will now be required to make a decision by Sept. 14, 1993.

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: August 3, 1993

TO: Town Manager, Fire, Police, Board of Health
FROM: Garry Rhodes, Building Commissioner. *GAR*
SUBJECT: Temporary Closing Exxon Station 289 Main St.

I have been notified by Exxon that their station located at 289 Main Street will be temporarily closed for about 30 days. If a problem arises the person to contact is Tom Sawyer at 1-800-352-1016 ext.4192278

154 Willow Street
Acton, MA 01720
July 27, 1993

Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Gentlemen:

I realize you are not all male but when I was learning to type business letters "gentlemen" was the correct salutation for anyone, male, female, singular or plural unless the letter was addressed to a specific person. I can be old-fashioned even if I'm only 40.

I am writing to you because I don't know who might handle this issue. Although I am not retired I still live on a fixed income, and the recent increase in dump fees to \$100 is not easy for me (it will be Friday before I have enough money to afford a sticker). If I went to the dump every week I would not complain, but I only go once a month to dump trash. (I go every week to haul away wood chips.) In one month, my two children and I produce enough trash to fill two kitchen sized trash bags plus two grocery bags of paper trash. I recycle my newspapers in my garden and bring about 10 to 20 items of glass or plastic to the dump to recycle. So \$100 seems like an awful lot of money to pay.

I wonder if it might be possible to devise a system with a card to be punched or something that for a reduced fee (maybe \$50) would let the holder bring trash to the dump a limited number of times per year (say 12). People who move to town in December might also find it useful.

Thank you for your time.

Sincerely,

Laura E. Washburn

Laura E. Washburn

Ditzel

SELECTMEN'S MEETING
JULY 13, 1993

The Board of Selectmen held their regular meeting on Tuesday, July 13, 1993 Present were Dore' Hunter, William Mullin, Norm Lake, Nancy Tavernier and Town Manager Johnson {Representatives from cable were present to broadcast meeting}

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

NEW ENGLAND TELEPHONE - LILAC CT.
Hearing Continuation from 6/22/93

Nancy Tavernier - Moved to approve the petition as originally presented by NET&T with the condition that the road be returned to its original condition. BILL MULLIN - Second.
UNANIMOUS VOTE.

NURSING SERVICE STUDY UPDATE

William McGuinness outlined the process that was used to review the status of the Nursing Service. Dore' asked for expansion on the phrase Homecare. It was explained that homecare was nursing, personal care help, help given in the home. Bill Mullin asked if the assumptions reflected the Town Manager's concurrence. Don Johnson said yes, he felt it addressed the issues he was concerned with. Bill Mullin asked if the issue of employees if the service remained a municipal bases service was addressed. He asked if they felt that the \$30,000 would be needed. Bill McGuinness felt when they got further into the process they would probably use some for expert advice if it is concluded it will continue as a municipally based service.

Norm Lake noted he felt the financial issue should be closer to the top of the list of assumptions. It was noted that the list did not reflect a priority status.

Nancy Tavernier commented that the quality of the report to date was very good. She questioned the opening remarks regarding needs assessments and asked if a needs assessment would be done. They felt there was not question that the need for care was needed and that the care given would need to be continued.

Bill asked about the balance in the Enterprise Fund for the Nursing Service. Bill McGuinness said the balance was in the \$114,000 range, or within 10%.

They asked for 2 months to create a more secure financial model and to return in September to report.

**DAVID'S BISTRO - 452 GREAT ROAD
COMMON VICTUALLERS LICENSE**

David Vadenais, applicant explained that this was his first experience of owning and operating his own restaurant. He has worked in the business for sometime and now he had the opportunity to open his own restaurant and asked that he be granted a Common Victualler License. Dore' asked if the problems noted in the Board of Health inspections has been corrected. Mr. Vadenais said he had made the corrections noted and that the final inspection had been performed and he had passed it. Staff concurred the final inspection had been performed satisfactorily this afternoon. BILL MULLIN - Moved to grant a Common Victuallers License. NORM LAKE - Second. UNANIMOUS VOTE

**DAVID'S BISTRO - 452 GREAT ROAD
ALL ALCOHOLIC BEVERAGE LICENSE AS A COMMON VICTUALLER**

Mr. Vadenais asked the Board to transfer the All Alcoholic Beverage license from James Bailey, Jr. d/b/a CIAO to David's Bistro. He has taken the TIPS course recommended by ABCC and will ask his wait staff to do so also. He presented the Board with his policy for serving of alcoholic beverages to patrons. Dore' asked that the plan be filed and future changes be forwarded for inclusion in the Selectmen's liquor file. NANCY TAVERNIER - Moved to approve the Transfer. NORM LAKE - Second. UNANIMOUS VOTE.

ACTON COMMUNITY HOUSING CORP.

Steve Graham speaking for ACHC outlined the mission of the ACHC to provide affordable housing. They were coming before the Board tonight to ask for help with the soil testing and the donation of a portion of town land on Adams Street for placement of the erection of the house donated by Deck House. Dore' wanted to be sure that we were not impacting the future use of the site on Adams Street for a sewage plant. Dore' also asked for the Board's consensus of whether they felt the Town should move forward after they do more research. The issue of the Town's staff performing the tests and the time commitment was discussed. Staff felt that they might be able to perform the testing etc.. if enough lead time were given to schedule. NANCY TAVERNIER - Moved to give tentative approval to ACHC to pursue the project and that the Town will give what ever help as the schedule permits. NORM LAKE - Second. UNANIMOUS VOTE.

**EXPRESS HOUSE OF PIZZA - 252 MAIN STREET
COMMON VICTUALER LICENSE**

Konstantina Bakogiannis the applicant was present and asked that she be issued a Common Victualers license. Dore' asked her about the issue of neighborhood complaints regarding trash. She

said that she and her husband plan to personally monitor the dumpsters and will fence them in if any more complaints are issued. NANCY TAVERNIER - Moved to approve. NORM LAKE - Second. UNANIMOUS VOTE.

MAPLE STREET PARKING

Don Johnson outlined the options available to address the parking on Maple Street. The options include but were not limited to Posting of no parking, no parking during certain hours and Resident only parking. A fence installation was also discussed to stop anyone from crossing the tracks. It was doubtful that Amtrack would install it and the residents were opposed to a fence for it would prohibit them from the convenience of catching the train and from an aesthetic point it would be ugly and encourage vandalism. Bill discussed a no parking posting of 6-9 A.M.

Resident George Peterson said that today there were 22 cars on Maple and 3 on Stow Street. A resident of 57 Maple Street felt that posting would only take care of the problem temporarily and that she wanted Resident Parking Only on Maple Street. A resident of 41 Maple Street said she wanted resident only parking 8-6 Monday - Friday. The residents felt a posting of No Parking would be better than a fence.

NANCY TAVERNIER - moved to direct the Town Manager to post signs to prevent all day parking in the vicinity of the commuter parking lot until such time as we can make subsequent hearing process arrangements to limit parking on a permanent basis. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the consent calendar as printed with the Appointment List added and #11 held for future comment. (#11 was approved after discussion) NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

Community Action Statement - Belle Choate and Roland Bartl appeared before the Board to update them on the progress made to date. Belle noted that she had received a 57% response and that she expected she will have 75% by the end of the week. Belle said that when prepared and submitted it is not cast in stone, it can be revised at anytime. Dore' asked for clarification on the filing dates. Belle noted that the action statement need to be filed before any grants can be applied for. Bill asked for the success of any recent grant filings. Roland said that we have not received any and the filing of the Action Statement does not

guarantee a grant, however, it must be filed for you to receive a grants for housing. Bill asked about the cost of preparation. Roland said around \$5,000 and it was discussed that year end monies would be used to finance the grant preparation. Nancy would like to have the action statement on file so that if we decided to apply for a grant it would already be on file. Bill felt it was good to have it already on file and feels the time and work load consideration would be a management issue and addressed by the Town Manager.

BILL MULLIN - Moved to have the Selectmen as the First lead agency, the Planning Board conduct the Public Hearing and that the Manager decide as to the CAS Schedule. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

REPRESENTATIVE RESOR - Pam has asked to come in to see the Board regarding legislation requests for next year.

NESWC - It was agreed to send a letter stating our discomfort with the contract so it would be logged on the record.

PERSONNEL DIRECTOR - Dore' has asked that the Town Manager prepare an RFP for Human Resources services in addition to conducting the candidate search. Nancy felt to use the school staff could present problems. Norm asked that the RFP e sent to the schools as well as to the Boston Globe.

CEMETERY COMMISSIONERS - The recent correspondence from the commissioners was discussed. It was the Board's opinion that the issue of posting signage in the cemetery prohibiting dog walking and recreation was under the purview of the Commissioners.

Don felt we needed to improve communication with the Commissioners and he would be addressing this shortly. Dore' noted that he wanted Town Report coverage of Stewart Kennedy's 50 years of service in the next report.

TOWN MANAGER'S CONCERNS

MILL CORNER - Don is still negotiating. Bill Mullin wanted assurance that the \$300,000 would come to the Town under any circumstance.

EXECUTIVE SESSION

BILL MULLIN - Moved to go into executive session to discuss
Police and personnel matters. NANCY TAVERNIER - Second.
UNANIMOUS VOTE. ALL AYES

The Board adjourned at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(409)

EXECUTIVE SESSION
JULY 10, 1993

GIFT FROM Concord Auto Auction - The Chief explained that he did not want the particulars discussed in public session since the vehicle will be used in undercover situations. Bill Mullin asked that a letter from the Auction be sent to the Town outlining the gift. BILL MULLIN - Moved to accept the gift of a van from the Auto Auction upon receipt of a letter of goodwill. NORM LAKE - Second.

PERFORMANCE REVIEW TOWN MANAGER - Bill Mullin thanked Nancy for the inclusion of the questions he had asked for and commented on the content of the review. Bill questioned the review with regard to question 3. Bill asked how he felt about his direct reports commenting on his performance. Don said that he would not mind and noted it may not all be positive but would be constructive. Nancy and Dore' thought that it was not appropriate to have the Selectmen questioning the Town Manager's abilities to his direct reports as it might undermine his authority. The current method of extending the contract each year to make it a 3 year contract was discussed. Nancy, Dore' and Norm explained that it is to protect the incumbent from election of a headhunting board. They said that if the performance is not acceptable they can still release the manager before the three years are up.

Nancy felt that the increase should be 2 1/2 for cola and 4 for merit since there are no steps in his scale, for a straight 6%. Dore' said that Anne had contacted him and had said that she was not comfortable with anything over 5%. Bill felt that while the review was very good, the voters said what they wanted us to spend at the voting booth and agreed with Anne on 5%. Dore' and Norm said they could also support 5%. NANCY TAVERNIER - Moved that the Town Manager's salary be increased by 5%, 2% COLA and 3% Merit for a total of 5%. NORM LAKE - Second. UNANIMOUS VOTE

NANCY TAVERNIER - Moved that the Town Manager's Contract be extended one more year. NORM LAKE - Second. UNANIMOUS VOTE.

The Board adjourned at 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(409)

JULY 9, 1993

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

7:30 P.M.

JULY 13, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 NEW ENGLAND TELEPHONE CO - Lilac Court - Enclosed please find a request for Conduit location on Lilac Court for Board action (continued from 6/22/93).
2. 7:45 NURSING SERVICE STUDY UPDATE
3. 8:15 DAVID'S BISTRO - 452 GREAT ROAD - COMMON VICTUALER LICENSE - Enclosed please find application and staff comment for Board action. Please Note: Board of Health comments will be distributed on Tuesday evening due to re-inspection schedule.
4. 8:20 DAVID'S BISTRO - TRANSFER LIQUOR LICENSE - 452 GREAT ROAD - Enclosed please find application and staff comment regarding the requested transfer of a All Alcoholic Beverage License as a Common Victualer from Ciao Restaurant, James Bailey to DAVID'S BISTRO, David Vadenais for Board action.
5. 8:30 ACHC - Discussion of possible land for placement of house donation from Deck House.
6. 8:45 EXPRESS HOUSE OF PIZZA - COMMON VICTUALER LICENSE - 252 MAIN STREET- Enclosed please find application and staff comment relative to the request for a Common Victualer License for Board action.
7. 8:50 MAPLE STREET PARKING - Enclosed please find information relative to the commuter parking on Maple Street for Board review and discussion.

III. SELECTMEN'S BUSINESS

8. Community Action Statement - Enclosed please find documentation regarding this EOCD requirement. Staff will be prepared to discuss this undertaking Tuesday.

IV. CONSENT AGENDA

9. ACCEPT MINUTES - Enclosed please find minutes from May 25 and June 8, 1993 for Board approval.
10. EQUIPMENT DONATION - Enclosed please find a request from the Fire Chief for acceptance of two gifts of self-contained breathing apparatus units for Board action.
11. EQUIPMENT DONATION - Enclosed please find a request from the Police Chief for acceptance of a van for Board action.
12. FEE SCHEDULES - Enclosed please find proposed Fee Schedule revision from the Cemetery Dept. and Board of Health for Board action.
13. BETSY BALL FUND - Enclosed please find a request for funds from the Betsy Ball Fund.

V. TOWN MANAGER'S REPORT

14. MILL CORNER - The Town Manager will update the Board on Tuesday night.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

AUGUST 10- West Acton Village Study Committee report
 Pizza Hut - Change of Officers
SEPT. 7 Triple A - Liquor License hearing



MAPC News

MAPC

Metropolitan Area Planning Council • 60 Temple Place • Boston, Mass. 02111 • (617) 451-2770

AUGUST 1993

We Invite Your Participation in the Transportation Planning Process

Federal law requires that all metropolitan areas produce a long range transportation plan by October 1, 1993. In the MAPC region, this responsibility lies with the Metropolitan Planning Organization (MPO). Because the Transportation Plan extends beyond a narrow transportation focus to embrace land use, air quality and economic issues, the Transportation Plan will look at the aspirations and limitations of a our complex regional system and offer a blueprint for future investments. Some of the Transportation Plan elements include:

- an examination of existing and future conditions, deficiencies, and opportunities;
- discussion of the Regional Development Plan;
- development and evaluation of alternative transportation scenarios for the year 2020;
- discussion of environmental issues such as air quality and transportation demand management; and,
- transportation plan strategies for short-and long-term projects and programs.

The public review meetings for the Transportation Plan will kick off on Monday, August 2nd at 2:00 and at 7:30 p.m. at the State Transportation Building (conference rooms 2 and 3). Additional meetings will be held in Braintree, Peabody and Natick at 7:30 on August 4th, 9th and 10th, respectively. Phone MAPC's Public Information Office for more detailed information on the meeting schedule.

Copies of the Regional Transportation Plan will be available for your review on August 2nd. An Executive Summary will also be available at that time. Comments on the Plan will be accepted through Friday, September 3, 1993. Mail or fax (617-482-7185) your comments to:

Public Information Officer
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111
TDD# (617) 973-7089

TDM Funding in the TIP

The TDM Proposal Selection Committee, comprised of one representative each from EOTC, EOEA, and two MARPA representatives, approved six of 14 TDM project proposals in the MAPC region with a total value of \$532,727 in the first round of TDM funding. Statewide, a total of 10 projects were approved, of the 27 projects submitted, representing a total value of \$902,727. It is expected that the next round of funding will see an increase in the number of proposals from communities, as understanding of the guidelines increases. Projects approved for funding in the MAPC region include:

- Peabody: "Peabody Transit"
- Concord: Retrofitting town vehicles with electric motors
- Concord: Bicycle lockers
- Milford: Park-and-ride lot
- Sharon: Park-and-ride lot

Contact: Rachel Kuropatwa

Hearings on State Housing Plan

EOCD is holding statewide hearings on housing needs in preparation for a complete revision of its Comprehensive Housing Affordability Strategy, or CHAS. The CHAS is critical to local communities because it will determine how the state will allocate housing dollars for the next five years. It is especially important to those communities which do not receive housing funds directly from HUD but rely solely on the state.

Hearings will be held on August 10 at 10:00 a.m. at Clark University's Lurie Conference Room at 950 Main Street in Worcester and on August 11 at 9:30 a.m. on the 21st floor of the McCormack Building, One Ashburton Place, Boston.

Contact: Judith Alland

Loeb Fellow

MAPC's Vice President, William "Buzz" Constable (Lincoln) has been selected by the Harvard University Graduate School of Design as a Loeb Fellow. Mr. Constable was chosen from dozens of applicants for a year of independent study at the GSD. During his year as a Loeb Fellow, he will examine the roles that the government plays, beyond traditional zoning and other design regulations, in shaping development patterns and urban design.

OMB Announces New PMSA Designations

The Office of Management and Budget reversed its original proposal, lumping all of Eastern MA with several New Hampshire PMSAs. The final decision, announced on June 30, eliminated the Salem-Gloucester PMSA and combined the Fall River PMSA with Providence. All other designations for Eastern MA were retained. With the elimination of the Salem-Gloucester PMSA, the MAPC region now lies entirely within the Boston PMSA.

Contact: Jay Buhr

Flight Tests Resume

The FAA resumed flight testing air traffic control routes for turbojets departing Logan's Runway 27 in July. The alternative being tested will cause aircraft to overfly Boston Harbor, the Fort Point Channel area, the Southeast Expressway, a portion of Roxbury, Franklin Park, and Mt. Hope Cemetery, before turning on course toward Manchester, NH; Westfield, MA; Hartford, CT or Block Island, RI. Phone Massport's hotline number (567-3333) to respond to aircraft testing.

Contact: John C. Silva, FAA-Burlington

TIP Update

MAPC staff will initiate an update to the FY '94 TIP shortly. Additional projects for potential inclusion in the Transportation Enhancement category will be solicited, and notification of all projects that have been accepted for funding by the Mass Highway Department will be requested. At present, TIP funding is totally committed.

Contact: Dan Fortier

Municipal Incentive Grant Applications

MAPC submitted 6 MIGs applications to EOCD to:

- analyze the feasibility and costs of establishing a one-stop shopping computer network linking data among (in-and-out-of-state) businesses with data providers and regulatory agencies in MA;
- catalogue Revolving Loan Funds available to communities;

- analyze labor force and economy in the Inner Core subregion, targeting industries most likely to locate or expand there;
- continue Metropolitan State Hospital activities initiated in FY '93;
- develop and promote mixed use zoning; and,
- hire a joint services administrator to organize training sessions, provide support to the subregions and assist in implementing joint service programs.

Contact: *Paul DeCoste*

Boston '94 Conference

Planning for National Association of Regional Council's 1994 annual meeting in Boston is well underway. The host committee is developing an exciting agenda full of optional tours, a New England showcase, pre and post conference vacation packages, and site visits to some of the facilities that make this complex and diverse region tick. Mark your calendars and plan to attend NARC's 1994 annual meeting and trade show at the Boston Park Plaza, May 28th through the 31st.

New MetroPlan 2000 Available

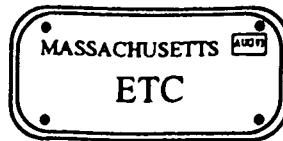
MetroPlan 2000 has a new look. In July, MAPC published a new edition of the Regional Development Plan with redesigned text and graphics. The new edition, designed by the Council's graphics consultant, Susan Pawlowski, includes a new easier-to-read page layout, a larger font size, and a uniform graphics format. The new MetroPlan document includes the Capital Investment Program, and all other amendments approved as of the October, 1992 Council meeting. Copies of the document are available from MAPC at 617-451-2770.

Contact: *Martin Pillsbury*

Pavement Management

The towns of Cohasset, Randolph, Holliston and Foxborough are beginning to collect information on the condition of their streets which is being used to develop a pavement management program in these communities. Data collection continues in Salem, Saugus, Weymouth and the north section of Newton. Introductory meetings with town officials and training sessions for DPW staff and volunteers interested in participating in the pavement management program are available in August.

Contact: *Barbara Clark*



Surplus Office Furniture

MAPC, in conjunction with CTPS, will be disposing of surplus office furniture (chairs, desks, typewriters, computers, etc.). Bidding procedures and a detailed list of items will be available beginning Monday, August 9, 1993 and may be obtained by calling Michele Morse at (617) 451-2770. The final date for submitting a bid will be Friday, August 27 at noon.

Environmental Reviews

MAPC recently reviewed and distributed the following environmental reviews:

- Boston/Rowes Wharf Expansion
- Randolph/Serono Facility Expansion
- Statewide/Restoration of Inter-City Passenger Rail Service
- Chelsea/New Chelsea Courthouse
- Braintree/1102 Washington Street
- Needham/Proposed Nursing Home
- Randolph/Electrical Generation Facility
- No. Weymouth/Back River Dredging

Contact: *Kent Stasiowski*

Symposium on Sustainable Transportation and Solar and Electric Vehicles

The Sustainable Transportation and Solar and Electric Vehicle Symposium will be held at the World Trade Center, October 21-23. The three-day symposium, car, and trade show is designed to bring together a diverse group consisting of transportation planners, auto, rail, and bus industry personnel, policy makers, utility company personnel, fleet owners and others that have a common interest in reducing the environmental impact of transportation.

Contact: *Jack Groh, Northeast Sustainable Energy Association*

Be on the Lookout

In an effort to ensure the most widespread input and comment on the Transportation Plan, which must be submitted to the Federal government by October 1, 1993, plans are underway to move the Fall Council meeting from the fourth Wednesday in October to sometime in September. Be on the lookout for further information on the Fall Council meeting. It's one you won't want to miss!

Contact: *Donna Howard*

Farewell to Baldassari

Carol Baldassari, one of the Council's longstanding and valued staff members, left in July to join a team of education program analysts at Lesley College in Cambridge. We are confident that Carol will continue to succeed and be a valuable resource to any organization that she might serve and we wish her well. Inner Core business matters should now be referred to Jay Buhr and legislative matters to Jean Christensen.

MetroPlan 2000 Model Runs

Three of the seven model runs developed for the Transportation Plan are MetroPlan 2000 scenarios, designed to test the impacts on automobile travel, transit ridership, pollution and future land use in the region. The MetroPlan 2000 base case illustrates urban transit priorities; the MetroPlan 2000 intervention model considers "what if" an urban strategy were combined with land use and environmental policies limiting sewer development and densities; the MetroPlan 2000 forced case tests regional environmental benefits from compact development. For more detailed information on the results of the model run:

Contact: *Steven Landau*

August Calendar

2	12:00 p.m.	Officers
	2:00 p.m.	Transportation Plan Public Meeting
	7:30 p.m.	Transportation Plan Public Meeting
3	9:00 a.m.	MetroPlan 2000 Committee
4	7:30 p.m.	Transportation Public Meeting
6	10:00 a.m.	MWRA Wastewater Advisory Comm.
9	7:30 p.m.	Transportation Plan Public Meeting
10	7:30 p.m.	Transportation Plan Public Meeting
11	12:00 p.m.	Personnel Committee
13	9:00 a.m.	MPO Liaison Committee
18	7:30 p.m.	MetroWest Water Resources Comm. Natick

cc BOS ✓
TM
Engineering
Planning

MINUTES OF THE MAGIC/ROUTE 2 CORRIDOR ADVISORY COMMITTEE
JUNE 10, 1993

The meeting of the Route 2 Corridor Citizens Advisory Committee was held Thursday, June 10, 1993 at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton Street in Arlington. The following were in attendance:

Mike Costa, MHD, BTP&D
Michael Karas, MHD, Traffic Engineering
Kojo Fordjour, MHD, Project Development
Efi Pagitsas, CTPS
Bill Bent, CTPS
Bob MacDonald, MHD, District 4 Projects Development Engineer
Dave Chareth, MHD, District 4 Projects Engineer
Jack Wood, MHD, District 4 Planning
Harriet Todd, Selectman, Town of Lincoln
/ Ann Fanton, Selectman, Town of Acton
F. Dore' Hunter, Selectman, Town of Acton
John Pavan, Planning Board, Town of Acton
Judy Walpole, Selectman, Town of Concord

Mike Costa chaired the meeting in place of Dan Beagan who was unable to attend.

Efi Pagitsas began by explaining how forecasts were derived for the years 1998 and 2020. CTPS forecasts are compared with MAPC forecasts. Projections for the year 2020 will be very dependent on MAPC's numbers. These numbers will be used when the consultant comes on board for the design of the Crosby Corner (long range) project.

Efi handed out the following tables: "Route 2 Household Development Proposals 1990-1993" and "Route 2 Known Commercial Development Proposals 1990-1993." She requested that the towns review these lists and confirm whether projects were completed. They should contact Linda Pelletier at CTPS within 2 weeks (by June 25) and report any changes. Obtaining this information is the critical first step in predicting LOS.

Bill Bent discussed results of the CTPS investigation of the Concord Route 2 Rotary. An outline of his presentation was distributed. A technical memo from CTPS will be coming out recommending new lane markings for MHD review.

Currently there are 2 to 5 minute delays in the AM peak hour for Route 2 eastbound traffic with queues back to the railroad tracks. The Route 2A approach has about a 1 minute delay and sometimes operates as 2 lanes. Traffic approaching from Commonwealth Ave. has extreme difficulty entering the rotary, but Barrett Mill Road and Route 2 westbound approaches run okay.

In the PM peak hour the problems are reversed: Route 2A and Barrett Mill Rd. have fewer vehicles but longer delays. Commonwealth Ave. and Route 2A east and westbound functions with few delays.

Conditions at the Route 2 rotary were compared to the Australian technique for analyzing rotaries and it was found that in most cases this location did not fit these criteria. In this case traffic flows are directional rather than balanced. A high proportion of the movements are not left turns and the volumes are too high. The sight distances are not a major problem except for along Route 2 eastbound at the crest of the hill. The Corner Stopping Sight Distance (SSD) meets the criteria and the geometry provides adequate deflection of the vehicle path.

The possibility of installing traffic signals at the rotary was looked at and it was found to be too complex for each approach. There would be a need for a minimum of two signals. Route 2 would require three lanes at each approach and a double left turn lane at the Route 2A approach. This would require major reconstruction and with the current traffic volumes, there would still be major delays.

Two schematics were handed out showing two alternatives for providing new pavement markings and signing at the rotary. Although these measures would improve safety, there would not be much improvement in capacity and delays. These improvements can be done now. There was a discussion of the advantages and disadvantages of both plans. Mike Costa said that CTPS needs to prepare a memo for the District so that there can be a review of State and Federal guidelines for discussion at the next meeting.

Kojo Fordjour gave an update on the Crosby Corner long term Project. Currently, the consultant's (Louis Berger) cost proposal is being audited and it is expected that a contract will be awarded by the end of the year. The contract will be for the necessary environmental documentation and 25% design. The time frame will depend on the scope of work. For a 4 lane cross section, an Environmental Assessment (EA) would be required. This would save 3 or 4 months compared to an Environmental Impact Study (EIS) which would be required for a 6 lane cross section. Construction is projected for 1997-1998.

By the end of the year, the Department is expected to pick a consultant for the feasibility study for the Route 2 corridor from Route 126 in Concord to Route 111 in Acton. Route 111 and the Concord rotary may be done as a single project and Route 126 done as a separate project. The intention is to keep the cost of the feasibility study below \$500,000 in order to avoid the RFP/RFQ process. The CTPS Route 2 Model should help to keep the costs down. The study will look at different levels of improvements for these locations. The Department is looking for supportable solutions before going to environmental review at 25% design. The towns should submit their input for the study within

the next 3 months. Although there is no schedule yet, it is expected that the scope will be set between September and December and the study should take about one year.

The date for the next meeting was set for Thursday, September 16 at 8:00 a.m. The agenda will include updates on: the progress of the CTPS Model, short term improvements for the Concord rotary, and the scope of Route 2 corridor feasibility study.

JRW/jw

7-21-93

JUL 21 1993

Town of Acton
Board of Selectmen
472 Main St.
Acton, MA

cc: BOS with
PO report

Subject: Sawyers Dogs
(LPg 501)

On July 20, 1993 at .
Approximately 12:35 in
the afternoon, I heard
loud angry barking
coming from the back
of our home. I then
heard someone screaming
for help and saying
"get him off", "call
the police." I called
the APD, an officer
came to my home and
to the Sawyers home.

Details can be obtained from the police department.

We are increasingly concerned about these dogs coming onto our property, we often have children in our yard playing with our daughter.

This incident and a prior incident, shows that at times noise control is ineffective in controlling these dogs.

Sincerely,
James C. Bulley

C. Town Manager

CC: POLICE CHIEF -

PLS. FORWARD A REPORT AS TO NUMBER & TYPE
OF CALLS.

ALSO, INDICATE ENFORCEMENT PROCEDURES AND
OPTIONS RE THE JUDGE'S DECISION.

7-8-93

JUL 12 1993

CC: BOS

Town of Acton

7/13

Board of Selectmen

472 Main St.

Acton, MA

Subject: Sawyer's Dogs (DPT 501)

On June 29, 1993 at 9:20 A.M. I heard loud shouting coming from my yard. I looked out my window and saw the Sawyer's dog next to my back porch, he had crossed my entire yard. Mr. Sawyer was shouting from his yard, and it was apparent that his voice had very little control over the dog's actions. I was extremely relieved that my daughter and her friends were not in the yard playing. I have enclosed a copy of an article that appeared in the Boston Globe.

on May 15, 1993. I do not want to wait until something like this does happen. This incident reaffirmed my previous fears.

Mr. Sawyer has now chosen to leave his dogs out all night. The dogs have been waking us two or three times in a night, this has been going on for quite sometime. We have kept a record and have called the APL.

The excessive barking had subsided somewhat, but is now worse than ever.

Sincerely,
Kathleen M Conley
James C Conley

cc: Jon B. Johnson
Town Manager

Rottweiler kills 2-year-old boy

HICKSVILLE, N.Y. — A 2-year-old boy playing in a neighbor's backyard was crushed and killed yesterday by a Rottweiler dog as his mother tried to pull the huge dog away, police said. The boy, Billy Sheppard, died at Nassau County Medical Center after a severe malfunction of the 121-pound dog at the Hicksville home of Thomas Link, where the boy and his mother were visiting. A 4-year-old boy and a police said that they are still missing. The 5-year-old dog, named "Link", ran out of a four-foot stockade fence and pounced on the Link's backyard yesterday.

Boston Globe
5/15/93

Confidential

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

July 26, 1993

Mr. John Murray
Town of Acton
472 Main Street
Acton, MA 01720

Dear John:

(Patton Claim)

The Town Clerk sent me a copy of a letter from a lawyer asserting a claim on behalf of Amanda Patton. The letter is defective or unclear in several respects, and therefore, there is a question of how it should be answered.

The letter is addressed to the Town Clerk, but it alleges that the defect that caused the injury is "on the premises of the Acton Housing Authority" and, alternatively "on the side of a drainage grate on Sachem Way." The principal question is whether the drainage grate is on the property of the Authority or in a public street. That determines both who must be given notice and what kind of claim can be made.

On the first point, the Town and the Housing Authority are separate legal entities. Sending a letter to the Town Clerk is not presentment to the Housing Authority under G.L. c. 258, § 4, although it can be argued that the statute was satisfied when the Town Clerk forwarded the letter to the Authority.

On the second point, if the defect is on the property of the Authority, it may be covered by c. 258, and therefore, subject to the \$100,000 limit on liability in that statute. If it is a defect in the street, it is subject to G.L. c. 84, § 15, and there is thus a \$5,000 limit on liability. Because the amount of damages claimed is \$5,000, the plaintiff's attorney seems to think he is proceeding under this statute, despite the reference to c. 258, § 4, earlier in the letter.

July 26, 1993

Page 2

Finally, the location of the defect also determines whether the Authority or the Town has responsibility for responding, for notifying its insurer, and ultimately for settling the claim.

I will leave it up to you to straighten out these matters, and will take no further action, unless you advise me to.

Very truly yours,


Acheson H. Callaghan

AHC/dcb

cc: Don Johnson



*environmental engineers, scientists,
planners, & management consultants*

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

July 27, 1993

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edward G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Subject: W.R. Grace, Acton, Massachusetts
OSA-16BR Installation Modification

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) has enclosed the field change for installation of OSA-16BR. The modification was discussed with and approved by representatives of EPA, MADEP, EBASCO and Wehran during the OSA drilling program.

The modification was required during the installation of OSA-16BR because the weathered bedrock collapsed around the well screen during installation. Since the formation collapsed around the well screen, a gravel sand pack was not placed around the screen. However, the formation did provide a suitable pack around the screen. The depth of the collapse was measured and was found to be approximately twelve feet above the well screen (four feet below the bedrock surface). As requested by representatives for the government parties, a six inch layer of sand pack was placed on the top of the formation to determine if settling would occur. No settlement of the sand pack occurred.

The well was installed with one foot of sand pack over the collapsed formation and a five foot thick bentonite layer over the sand pack to provide a tight seal between the formation and the well.

Ms. Lynne Jennings/Mr. Edmond G. Benoit
July 27, 1993
Page 2

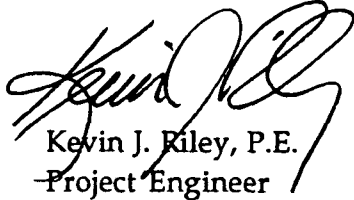
CAMP DRESSER & McKEE INC.

The development of OSA-16BR indicated that sufficient quantities of water can be generated for sampling purposes. A copy of the OSA-16BR well installation diagram and the typical installation are attached for reference.

Please contact me (617) 252-8818 or Bruce Conklin (617) 252-8832 if you have any questions.


Very truly yours,

CAMP DRESSER & McKEE INC.



Kevin J. Riley, P.E.
Project Engineer

APPROVED:



Bruce R. Conklin, P.E.
Vice President

KJR:paa

Enc.

799-128-RT-OSAIN

DISTRIBUTION

Lynne Jennings (6)
Edmond G. Benoit (2)

cc: D. Halley, Acton (3)	C. Tuttle, DEP Boston (2)
P. Reiter, GZA (2)	J. Ayres, GZA (1)
D. Kronenberg, Grace (1)	S. Anderson (1)
J. Swallow, Pine & Swallow (1)	H. Fox, Sierra Club (1)
M. Moore, Concrd Board of Health (1)	C. Myette, Wehran-MDEP (1)
W. Cheeseman, FHE (1)	R. Eisengrein, ACES Tag Mrg. (1)
D. Johnson, Acton (1)	

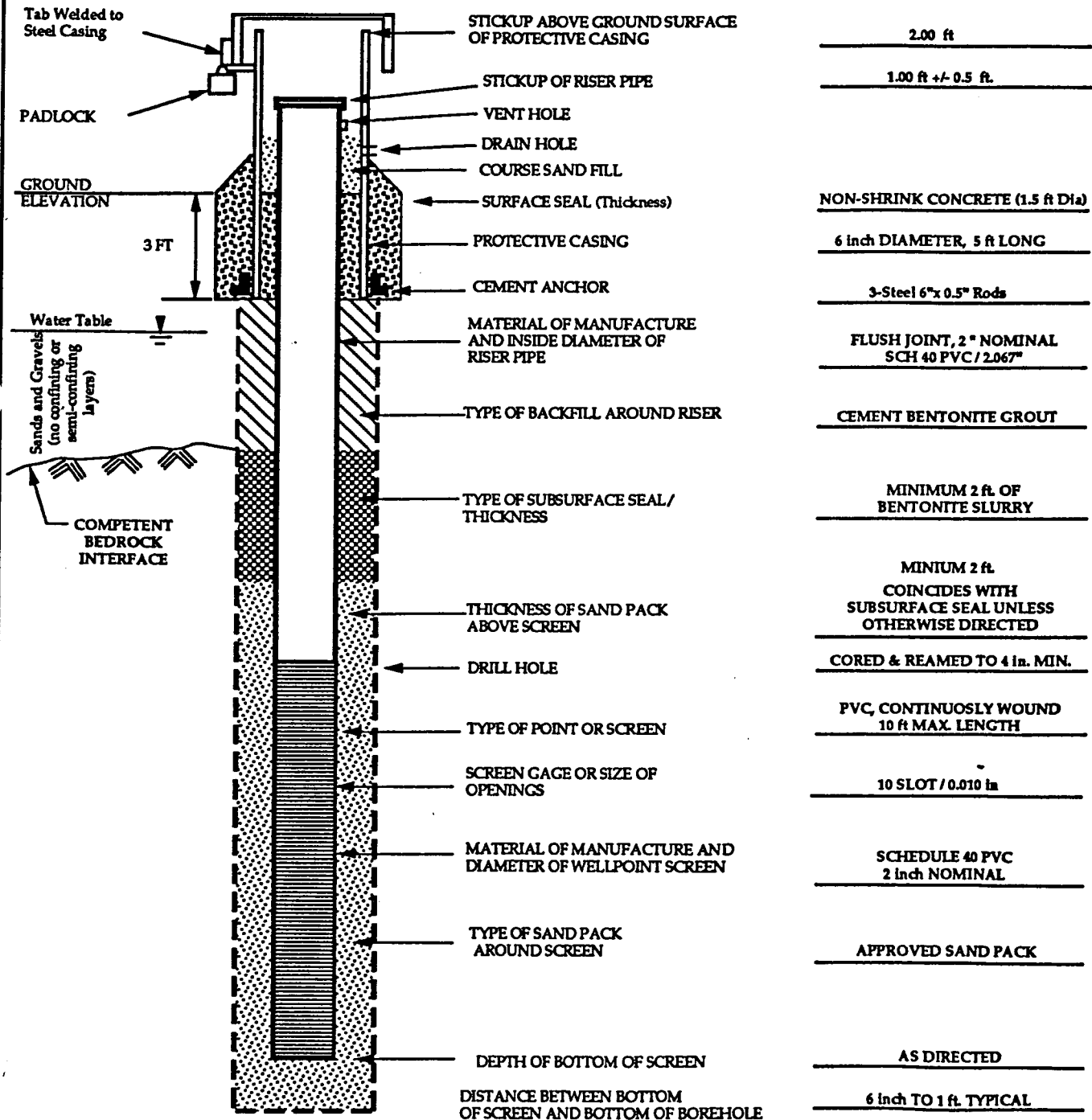
GROUNDWATER MONITORING WELL SCHEMATIC

SITE: W.R.Grace & Co. Acton, Ma

FIGURE 4

OSA BEDROCK MONITORING WELLS

CONSTRUCTION DETAILS: WELL COMPLETED IN BEDROCK



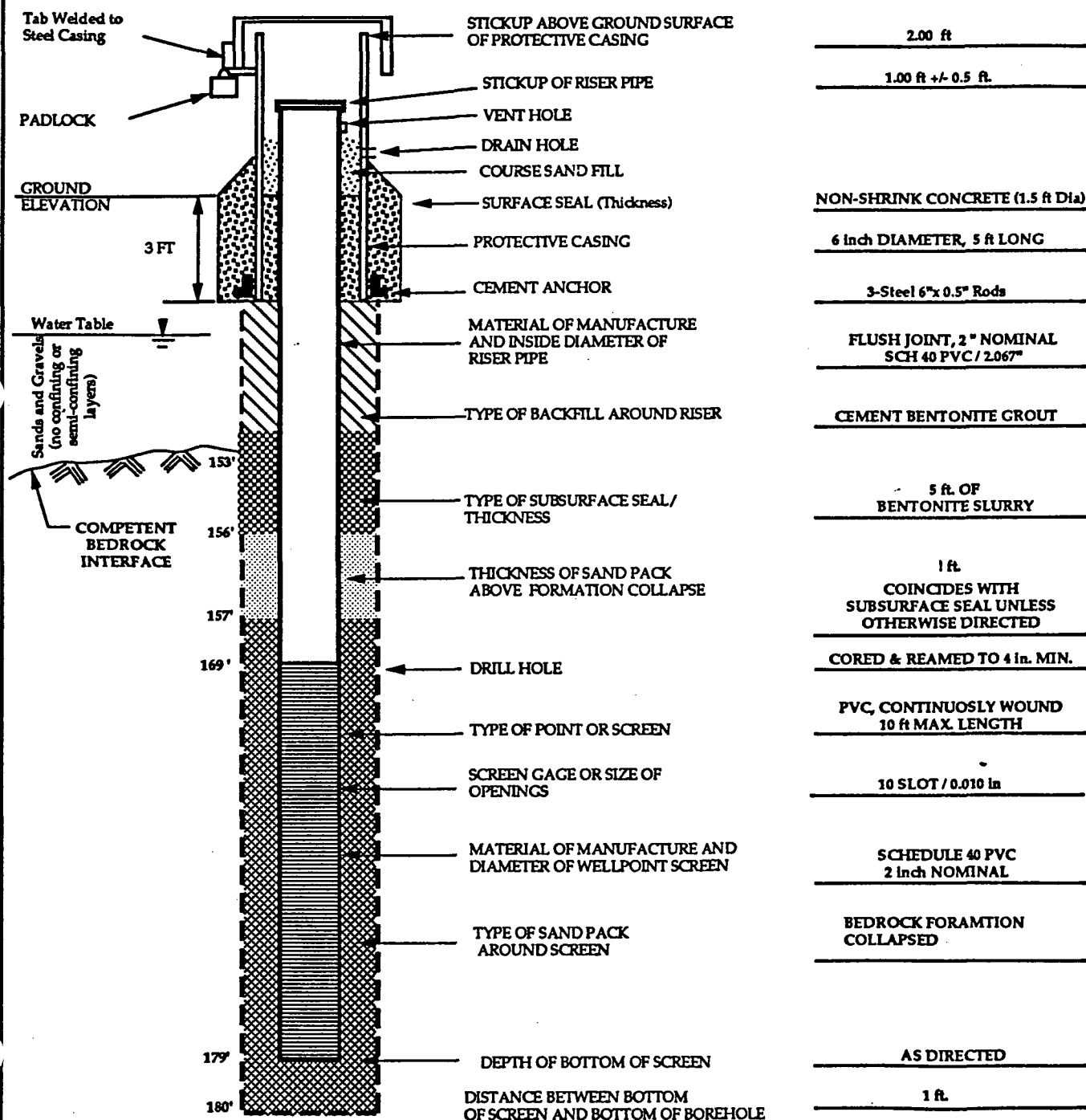
GROUNDWATER MONITORING WELL SCHEMATIC

SITE: W.R.Grace & Co. Acton, Ma

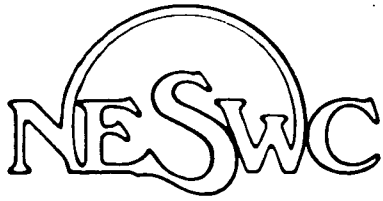
FIGURE 4 MODIFIED

OSA -16BR

CONSTRUCTION DETAILS: WELL COMPLETED IN BEDROCK



cc: BOS
NESWC File



NORTH EAST SOLID WASTE COMMITTEE

July 26, 1993

Mr. Don Johnson
Town Hall
472 Main Street
Acton, MA 01720

Dear Mr. ^{Don}Johnson:

One of my top priorities as Executive Director of NESWC is to ensure excellent communications between NESWC and the 23 member communities. As part of this effort at the last NESWC meeting the NESWC Board of Directors agreed to a plan where I would offer to visit each community's Board of Selectmen or City Council meeting. The purpose of these meetings is to provide background on NESWC, discuss the current priority strategic issues and be available for any questions.

John Merritt, the Senior Project Manager, will be contacting you in the coming two weeks to determine your interest and, if you would like us to attend a community meeting, to discuss potential dates. We hope to schedule these sessions during the September - November period. John will also be joining me.

Please feel free to offer any specific suggestions to John about issues that are of specific interest to your community, so that we can address those as directly as possible. If you feel this briefing is not appropriate at this time we would be happy to host a regional meeting with other communities or schedule your meeting for a later point. While John will be contacting you shortly, please do not hesitate to give either of us a call at the number listed below or in Boston at 617/338-6300 ext.402 if we can be of any assistance in the interim.

Thank you for your interest. Best wishes.

Sincerely,

Steven M. Rothstein
Executive Director

8/10

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 8/2/93

TO: The Board of Selectmen
FROM: John Murray *John Murray*
SUBJECT: The South Acton WWTF Feasibility Study

I have reviewed the final feasibility study and would like to make the following comments and to suggest some answers to the questions posed at the end of the feasibility study:

1. Contained in the "Financial Summary and Conditions" section is reference to the availability of 25% state grant funding. While the funding program still exists, some communities that were awarded grants 5 years ago have not been received any cash.

2. Will the Town operate the system or will it be run privately?

We believe it should be operated as a municipal function, with the understanding that the system be financially independent of the tax base. We feel that a municipal system will allow us to minimize the cost by the utilization of Town equipment and expertise.

3. Will the Town or the property owners purchase and install the grinder pumps and sewer connections on private property?

Our initial suggestion is that the property owner be responsible. Therefore, the property owner would also be responsible for future repair. We temper our suggestion by the fact that we have yet to determine the detrimental effects on the public system by improper installation. We will review our suggestion as soon as this information

becomes available.

4. How will costs be assessed to abutters?

We suggest that a rate per gal. be determined that incorporates the repayment of the capital bonding costs.

5. How will the Town insure that all the abutters tie-in to the sewer to keep the operation and maintenance costs reasonable?

Under review by Town Counsel

6. Will the Mill Corner development participate in operation and maintenance costs based on flow rate?

Yes, as long as the annual cost does not exceed the cost of disposal without a treatment plant.

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

August 5, 1993

Mr. John Murray
Town of Acton
472 Main Street
Acton, MA 01720

Dear John:

You have asked whether the Town can require land owners to connect with a possible sewer system in South Acton. The short answer is that it can, although some care needs to be taken about how it is done.

General Laws c. 83, § 11, provides that the board of health may require owners whose land abuts a way in which there is a sewer to connect with the system, and provides a fine for failure to do so. In *Fluharty v. Board of Selectmen of Hardwick*, 382 Mass. 14 (1980), the court said that the board of sewer commissioners did **not** have power to adopt such a requirement under c. 83, § 10, which says generally that a Town may adopt "rules and regulations regarding the use of common sewers" and "for the connection of estates and buildings with sewers." The court said that the § 10 power only covers the **manner** of connection rather than a requirement that the owner make a connection. The court has also concluded that a city has authority to adopt a zoning bylaw which requires commercial users to connect with sewers. *Decoulos v. Peabody*, 360 Mass. 428, 429 (1971). The Appeals Court has decided that a Town can adopt a town bylaw requiring connection with a sewer in an abutting street, unless the owner obtains a variance from the Board of Health. *Uxbridge v. Travers*, 19 Mass. App. Ct. 951 (rescript 1985). Finally, I should add that c. 83, § 3, gives a landowner a **right** to connect with a sewer system provided he complies with any rules about such connection. See *Clark v. Board of Water & Sewer Commission*, 353 Mass. 708 (1968) (owner has right to connection if system has capacity to serve him).

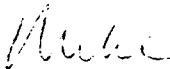
Mr. John Murray

August 5, 1993

Page 2

Thus, there are a variety of ways of enforcing a requirement that landowners connect with a sewer system. Choices among them may depend in part on how the proposed system is going to be organized and implemented. We would be glad to review your options when the Town has reached a consensus on what it wants to do.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

cc: Don Johnson

REPORT

**SOUTH ACTON WASTEWATER
COLLECTION AND TREATMENT**

FEASIBILITY STUDY

JULY 1993

**S E A CONSULTANTS INC.
Engineers/Architects
Cambridge, Massachusetts
Glastonbury, Connecticut
Londonderry, New Hampshire**



S E A Consultants Inc.
Engineers/Architects

July 8, 1993

Mr. Doug Halley
Board of Health
Town Hall
472 Main Street
Acton, MA 01720

Re: South Acton Wastewater Feasibility Study
Ref. No. 93082.01

Dear Doug:

In accordance with our agreement, we are submitting this final report (10 copies) which evaluates connecting a portion of South Acton (approximately 40 homes in the River and School Street area) to the Great Hill/Mill Corner wastewater treatment facility. The intent of our work was to complete the preliminary design and cost estimates so that the Town can determine if the project is financially feasible.

One aspect of our evaluation was to consider using much of the existing sewer design for South Acton as possible, in order to reduce redesign costs and accommodate the future tie-in of the remainder of South Acton. However, construction of the sewer in River Street, as designed, will be expensive due to the deep cut. Since "conventional" sewerage is costly, we also considered using a grinder pump/pressure sewer system which would provide substantial savings. The disadvantage of this alternative is that the deep pipeline in River Street will have to be constructed at a later date in order to sewer the remainder of South Acton.

Our work in relation to the wastewater treatment facility started with a detailed review of the design (and field visits) followed by a determination of what remains to be done, as well as the development of capital and operation and maintenance costs.

We recommend that the pressure sewer collection system alternative be implemented due to its substantial cost savings over conventional gravity sewers. We would also recommend that the following issues be pursued, some of which could further reduce project costs:

1. Contact the Department Of Environmental Protection (DEP) to determine if the project is eligible for their 25% grant equivalent loan program.
2. Contact DEP to determine the procedure for getting the existing Groundwater Discharge Permit reissued in the Town's name.

485 Massachusetts Avenue
Cambridge, MA 02139-4018
(617) 497-7800
FAX (617) 497-7709

Glastonbury, CT
Londonderry, NH



S E A Consultants Inc.
Engineers/Architects

3. Contact DEP to determine if the submerged RBC can be deleted from the treatment train. The potential capital cost savings is roughly \$80,000.
4. Evaluate project financing alternatives, including: options for capital and operation and maintenance cost recovery; user charge calculations; and betterment assessment calculations and alternatives.
5. Evaluate treatment facility expansion possibilities.

Your recent letter to Mr. Alan Slater (DEP) begins to address no. 1, above. I'll be contacting you shortly to discuss S E A's proposed Scope of Work to assist the Town through the next phase of the project.

Very truly yours,

S E A CONSULTANTS INC.

A handwritten signature in cursive script that reads 'Mark Thompson'.

Mark J. Thompson, P.E.

Background

The South Acton area has a long history of problems with on-site disposal of wastewater, as documented in Facilities Planning reports prepared by S E A in the late 80's. The latest study of the problems recommended construction of a municipal wastewater collection system, and the pumping of wastewater to the Maynard treatment facility. An in-town wastewater treatment was determined to be neither cost-effective nor technically feasible. Implementation of the project has been on hold for several years for financial reasons, and due to the lack of an intermunicipal agreement with Maynard.

The relatively recent bank acquisition of the former Great Hill Village subdivision, now named Mill Corner subdivision, has provided the opportunity for sewerage a portion of South Acton. The project is immediately adjacent to a portion of the area of South Acton recommended for sewerage. The former developer of the project started construction of a wastewater treatment facility (WWTF) for the project (including the foundation and subsurface disposal system) but never finished it. The Town now has the opportunity to utilize approximately 12,000 gpd of the WWTF's 22,000 gpd capacity. In the course of conducting this study, we have discussed completion of the WWTF with both the current developer (Mr. Kevin Sweeney) and the contractor who started construction of the WWTF (Mr. Dexter Loring).

In terms of available funding a \$140,000 "linkage" payment may be able to be used to offset the cost of sewer construction. Additionally, the owner/developer of the

project has committed to contribute \$300,000 to complete the WWTF.

Our entire approach to this evaluation is aimed at determining a cost-effective solution for tying a portion of the wastewater generated in South Acton into the Mill Corner WWTF, including completing the WWTF. We understand that 10,000 gpd of capacity in the WWTF is being reserved for the proposed Mill Corner development, leaving 12,000 gpd for other South Acton sewer connections. Approximately 40 homes can be served based on the 12,000 gpd figure using the design flow rates required in Title 5.

Based on our discussions with Town officials, document review, and our knowledge of the area, approximately 40 properties on School and River Streets which are included in the recommended sewerage program should constitute the project area. This section of South Acton is closest to the WWTF and could be constructed without crossing the river or railroad tracks (which is costly). Additionally, permit acquisition would be relatively straight forward.

Capital Cost Evaluation

There are two components to the overall project: the WWTF and the wastewater collection system. In the following paragraphs, we first evaluate the cost of completing the WWTF and then compare the cost of a "conventional" gravity sewer system with a grinder pump/low pressure sewer system (pressure sewers).

Wastewater Treatment Facility

As noted previously, the WWTF is partially constructed. Virtually all of the underground facilities, as well as the foundation, have been installed and approved by the Town. Work that remains mainly consists of the purchase and installation of the wastewater treatment equipment, and construction of the building to house the equipment. The table on the following page presents the estimated capital cost for completion of the WWTF construction.

In our opinion the \$300,000 figure, which has been quoted by others, would not be sufficient to complete the WWTF.

There has been some discussion indicating that the developer or another private party may finish the WWTF. For this reason, the estimate recognizes the difference between the public and the private sector construction.

Wastewater Collection System

The service area for the wastewater collection system is shown on the figures on the following pages. Thirty-nine properties about the conventional sewerage alternative, and 40 about the pressure sewer alternative. Three additional properties could be included under the pressure sewer alternative if easements are acquired.

Engineers /Architects
Boston,MA Portland,ME

FINAL

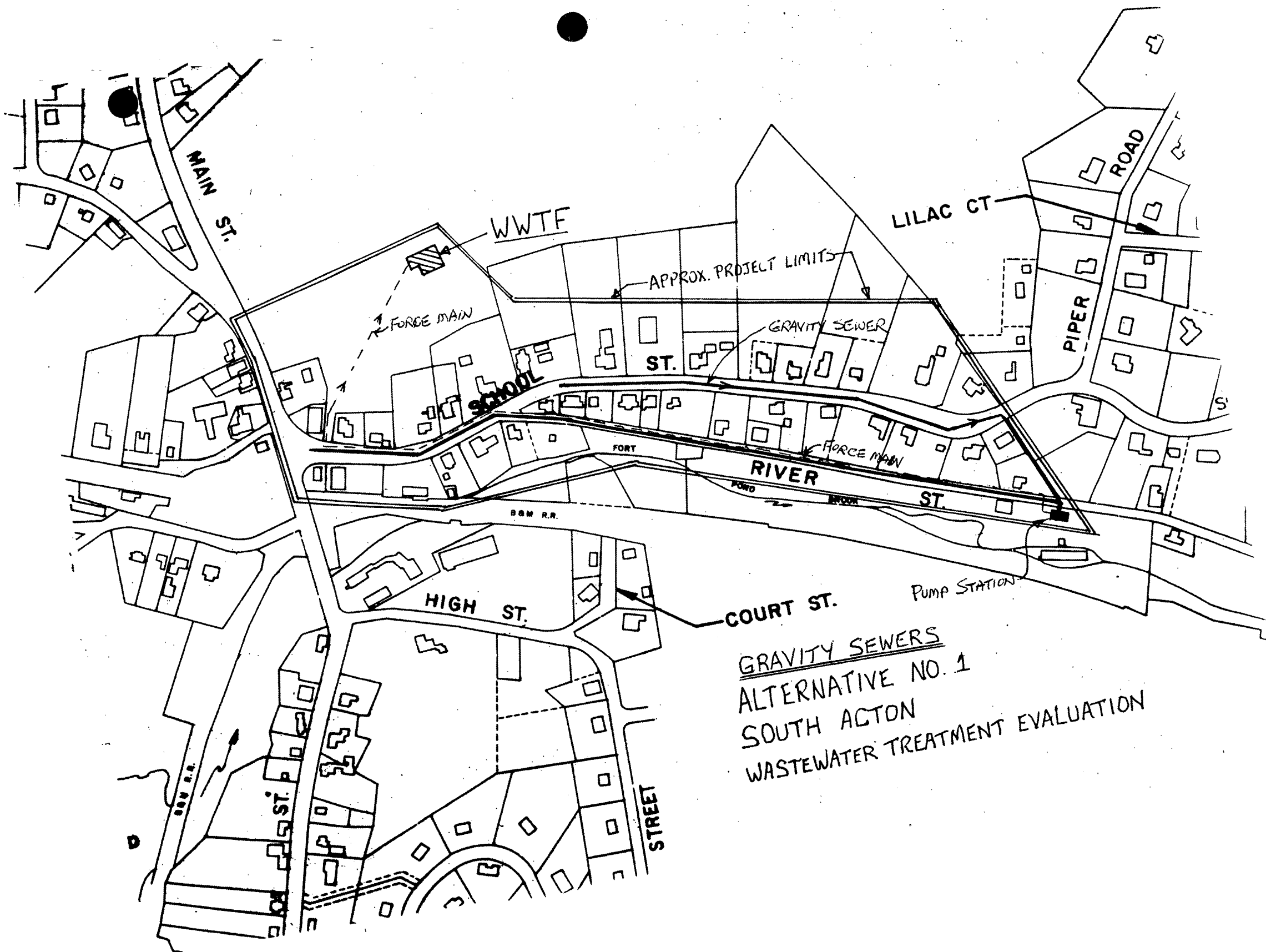
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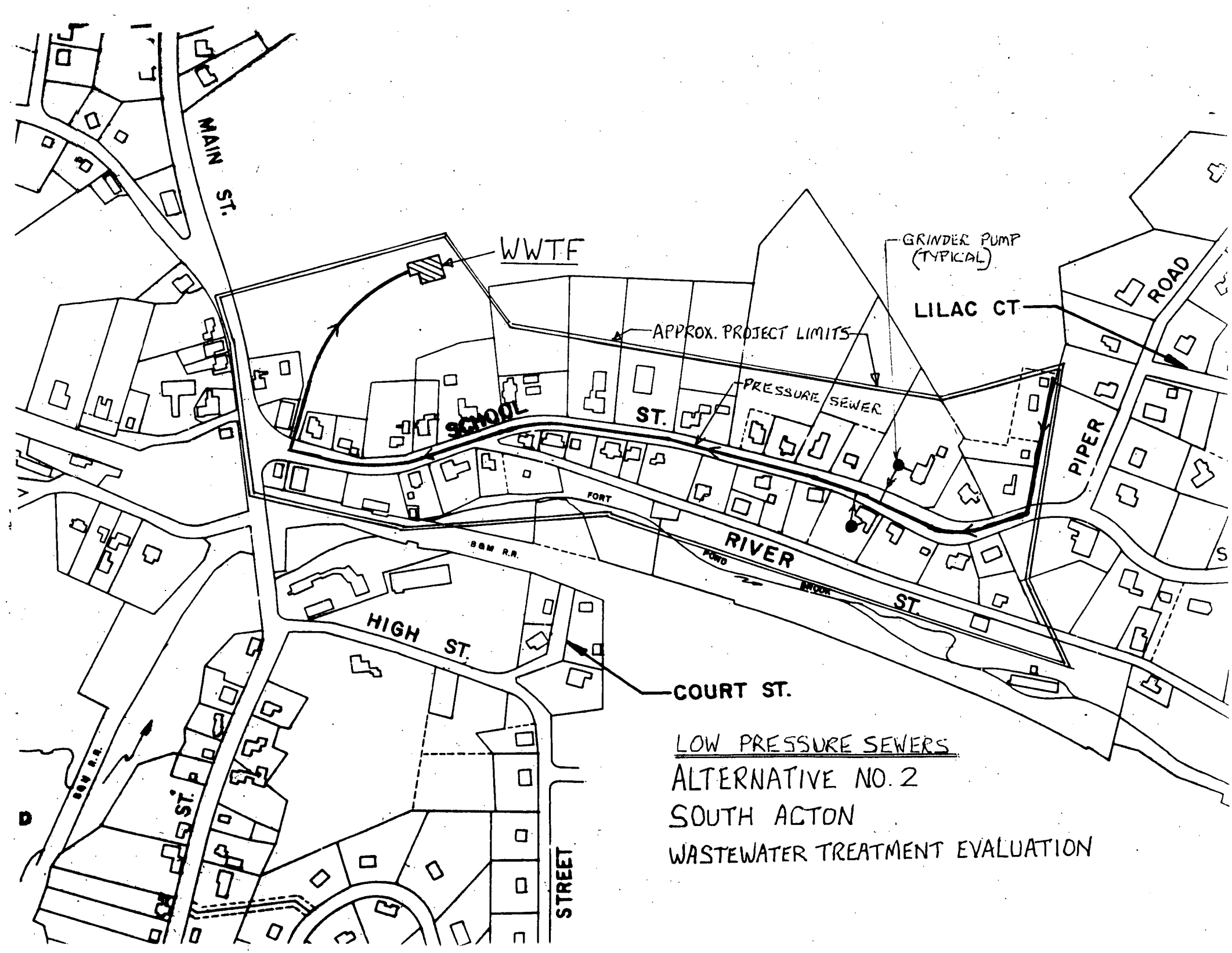
The intent of this evaluation is to determine whether or not the two streets can be cost-effectively sewerred, while at the same time maintaining the integrity of the current design of the recommended sewerage system, which allows for the future sewerred of the remainder of South Acton. The idea is to construct gravity sewer in School and River Streets as currently designed, as well as the pumping station planned for River Street. The pumping station would initially discharge at the Mill Corner WWTF, but would be designed in a way that it could eventually be upgraded and/or relocated to discharge at the Maynard WWTF. This is obviously the preferred alternative (Alternative No. 1 - See Figure), assuming it is affordable, since it would accommodate the long term expansion of the South Acton sewer system, and would get some of that system in place now.

Our concern with the above approach is that the pipeline in River Street, as designed, is the main interceptor sewer which will eventually carry all wastewater generated in South Acton. In order to pick up all of South Acton by gravity, a portion of the sewer line is in excess of 20 feet deep, which will be costly to construct, and may not be affordable in the short-term if only 40 homes are being tied in. The cost for this alternative is presented on Table No. 1.

Since the cost of accommodating the long term sewerred of South Acton within the current project may prove to be cost prohibitive, we have evaluated an alternative approach which is to determine the most cost-effective means to sewer School and River Streets over the short term while keeping the long term plan in mind by using a grinder pump/low pressure sewer system (Alternative No. 2). Under this plan, a



GRAVITY SEWERS
ALTERNATIVE NO. 1
SOUTH ACTON
WASTEWATER TREATMENT EVALUATION



WWTF

GRINDER PUMP
(TYPICAL)

LILAC CT

APPROX. PROJECT LIMITS

PRESSURE SEWER

SCHOOL

ST.

FORT

B&M R.R.

RIVER

ST.

HIGH ST.

COURT ST.

LOW PRESSURE SEWERS
ALTERNATIVE NO. 2
SOUTH ACTON
WASTEWATER TREATMENT EVALUATION

TABLE NO. 1
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
CONVENTIONAL SEWER ALTERNATIVE -- COST ESTIMATE

gravcost

ITEM	QUANTITY	UNITS	UNIT PRICE	PRIVATE	PUBLIC
				SECTOR COST	SECTOR COST
1. CONSTRUCTION					
GRAVITY SEWER	4100	LIN.FEET	\$80	\$328,000	\$328,000
SERVICE CONNECTION	1200	LIN.FEET	\$15	\$18,000	\$18,000
FORCE MAIN	3000	LIN.FEET	\$25	\$75,000	\$75,000
PAVING	4100	LIN.FEET	\$15	\$61,500	\$61,500
PUMPING STATION	1	EACH	\$60,000	<u>\$60,000</u>	<u>\$60,000</u>
SUBTOTAL				\$542,500	\$542,500
TREATMENT PLANT				\$385,000	\$404,000
TOTAL CONSTRUCTION				\$927,500	\$946,500
2. LAND AQUISITION				\$50,000	\$50,000
3. ENGINEERING (+/-)				<u>\$100,000</u>	<u>\$125,000</u>
SUBTOTAL				\$1,077,500	\$1,121,500
4. CONTINGENCY (10%)				\$107,750	\$112,150
TOTAL PROJECT COST				\$1,185,250	\$1,233,650
MINUS AVAILABLE FUNDS					
				\$300,000	\$300,000
				\$140,000	\$140,000
NET PROJECT COST				\$745,250	\$793,650
COST PER ABUTTOR (39)				\$19,109	\$20,350

Note: The following costs are not included:

financing; administrative; and legal.

grinder pump would be located on each property which would discharge into a pressure main in School Street, eventually discharging at the WWTF. Since all but three of the properties on River Street also front on School Street, there would not be a need for a pipeline in River Street at this time resulting in considerable savings. When, and if, the pipeline is constructed in River Street to serve the remainder of South Acton, the pressure sewer could be connected to the gravity sewer at the intersection of School and River Streets. The cost for this alternative is presented on Table No. 2.

Capital Cost Summary

As indicated on the Tables, the WWTF with a pressure sewer collection system has a capital cost of about \$12,000 to \$13,000 per abutter, which is roughly \$7,000 per user less than the convention sewer alternative.

Operation and Maintenance Costs

Operation and maintenance (O&M) costs are presented on Table No. 3. The O&M costs indicated are for both the collection system and treatment facility. A range of costs is shown due to a number of currently undefined variables. The O&M costs anticipate that the facilities will be privately operated, and include: labor, power, chemicals, laboratory analyses, and a replacement fund. The Table also shows the

TABLE NO. 2
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
GRINDER PUMP ALTERNATIVE -- COST ESTIMATE

gpcost

06/21/93

ITEM	QUANTITY	UNITS	UNIT PRICE	PRIVATE	PUBLIC
				SECTOR COST	SECTOR COST
1. CONSTRUCTION					
PRESSURE MAIN	3000	LIN.FEET	\$22	\$66,000	\$66,000
HOUSE SERVICES (TO P.L.)	1000	LIN.FEET	\$15	\$15,000	\$15,000
SERVICE CONNECTION	1200	LIN.FEET	\$15	\$18,000	\$18,000
PAVING	2100	LIN.FEET	\$15	\$31,500	\$31,500
GRINDER PUMPS	40	EACH	\$4,800	<u>\$192,000</u>	<u>\$192,000</u>
SUBTOTAL				\$322,500	\$322,500
TREATMENT PLANT				\$385,000	\$404,000
TOTAL CONSTRUCTION				\$707,500	\$726,500
2. LAND AQUISITION				\$0	\$0
3. ENGINEERING (+/-)				<u>\$125,000</u>	<u>\$150,000</u>
SUBTOTAL				\$832,500	\$876,500
4. CONTINGENCY (10%)				\$83,250	\$87,650
TOTAL PROJECT COST				\$915,750	\$964,150
MINUS AVAILABLE FUNDS					
				\$300,000	\$300,000
				\$140,000	\$140,000
NET PROJECT COST				\$475,750	\$524,150
COST PER ABUTTON (40)				\$11,894	\$13,104

Note: The following costs are not included: financing; administrative; & legal.

TABLE NO. 3
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
GRINDER PUMP ALTERNATIVE
COSTS TO THE ABUTTORS

	RANGE	
CAPITAL COSTS TO THE ABUTTORS	\$11,894	\$13,104
ANNUAL OPERATION & MAINTENANCE		
TOTAL WWTF & SEWERS (PER YEAR)	\$25,000	\$35,000
SO. ACTON SHARE (12,000/22,000 GPD)	\$13,636	\$19,091
O & M PER ABUTTOR (40)	\$341	\$477

estimated annual cost to the user to be in the range of \$350 to \$500 for 40 users.

The O&M costs for both wastewater collection system alternatives are roughly the same, so we have not conducted a life cycle present worth cost analysis.

Financial Summary and Considerations

As currently contemplated, the capital cost (per sewer user) will be in the \$12,000 to \$13,000 range, with operation and maintenance costs of \$350 to \$500 annually. Several factors could have a positive impact on these costs.

The overall South Acton sewer project has been on DEP's priority list for state funding for a number of years. The currently contemplated project may be eligible for a low interest long-term loan which would equate to 25% grant funding. Additionally, the WWTF, as designed, has a submerged rotating biological contactor (RBC) for nutrient removal. Nutrient removal for a WWTF of this size, and in this location, is not required under DEP regulations. Accordingly, we think that a legitimate argument may be able to be made for deleting this unit process from the treatment train, resulting in a significant savings on the capital (\$80,000) and operation and maintenance costs.

Should both of the cost savings measures be pursued, and come to pass, the capital cost to the abutter could potentially be substantially reduced to the \$7,000 to \$8,000

range, as indicated on Table No.4.

Implementation Considerations

Obviously, the Town has never owned or operated a wastewater collection and treatment system. There are a number of issues which will have to be dealt with should the project proceed. As food for thought and discussion, we present the following:

1. Will the Town operate the system or will it be run privately ?
2. Will the Town or the property owners purchase and install the grinder pumps and sewer connections on private property ? If by the Town, easements will be required.
3. Each property will have a mechanical device (pump) with the potential for problems, even though the potential is very small.
4. How will costs be assessed to abutments ?
5. How will the Town insure that all abutments tie-in to the sewer to keep the operation and maintenance costs reasonable ?
6. Will the Mill Corner development participate in the operation and maintenance costs based on flow rate ?

TABLE NO. 4
TOWN OF ACTON
WASTEWATER TREATMENT EVALUATION
GRINDER PUMP ALTERNATIVE -- COST ESTIMATE
(OPTIMISTIC FUNDING PROJECTION)

06/21/93

gpcost

ITEM	QUANTITY	UNITS	UNIT PRICE	PRIVATE	PUBLIC
				SECTOR COST	SECTOR COST
1. CONSTRUCTION					
PRESSURE MAIN	3000	LIN.FEET	\$22	\$66,000	\$66,000
HOUSE SERVICES (TO P.L.)	1000	LIN.FEET	\$15	\$15,000	\$15,000
SERVICE CONNECTION	1200	LIN.FEET	\$15	\$18,000	\$18,000
PAVING	2100	LIN.FEET	\$15	\$31,500	\$31,500
GRINDER PUMPS	40	EACH	\$4,800	<u>\$192,000</u>	<u>\$192,000</u>
SUBTOTAL				\$322,500	\$322,500
TREATMENT PLANT					
FULL COST				\$385,000	\$404,000
MINUS DENITRIFICATION				<u>\$80,000</u>	<u>\$80,000</u>
SUBTOTAL				<u>\$305,000</u>	<u>\$324,000</u>
TOTAL CONSTRUCTION				\$627,500	\$646,500
2. LAND AQUISITION				\$0	\$0
3. ENGINEERING (+/-)				<u>\$125,000</u>	<u>\$150,000</u>
SUBTOTAL				\$752,500	\$796,500
4. CONTINGENCY (10%)				<u>\$75,250</u>	<u>\$79,650</u>
TOTAL PROJECT COST				\$827,750	\$876,150
MINUS AVAILABLE FUNDS					
				\$300,000	\$300,000
				<u>\$140,000</u>	<u>\$140,000</u>
SUBTOTAL				\$387,750	\$436,150
MINUS 25% DEP FUNDING				<u>\$96,938</u>	<u>\$109,038</u>
NET PROJECT COST				\$290,813	\$327,113
COST PER ABUTTON (40)				\$7,270	\$8,178

Note: The following costs are not included: financing; administrative; & legal.